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HISTORY OF THE UNITED STATES

FROM THE COMPROMISE OF 1850

TO

THE FINAL RESTORATION OF HOME RULE
AT THE SOUTH IN 1877

VOL. VII

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HISTORY

OF THE

UNITED STATES

FROM

THE COMPROMISE OF 1850

TO

THE FINAL RESTORATION OF HOME RULE
AT THE SOUTH IN 1877

BY

JAMES FORD RHODES, LL.D., LITT.D.

MEMBER OF THE MASSACHUSETTS HISTORICAL SOCIETY

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HISTORY OF THE UNITED STATES

CHAPTER XL

HAD the presidential contest been close, a charge made by the New York *Sun*, during the heat of it, might have turned the scale against Grant. It was alleged that in the construction of the Union Pacific Railroad through the operations of a construction ring, Oakes Ames, the leading spirit of those thus associated had, in order to ensure the performance of certain actions for their benefit, distributed in bribes to members of Congress thirty thousand shares of Credit Mobilier [the construction company] worth nine millions of dollars. Fifteen[1] were named as having received the stock: the Vice-President, the Secretary of the Treasury, two senators, two ex-senators, the Speaker and six other members of the House, besides one ex-representative and one no longer living. Of these Blaine, Dawes, Henry Wilson, Colfax and Garfield explicitly denied the charge and, although the Greeley speakers and journals made the most of it, such impetus had the Grant candidacy gained, that, during the campaign, the charge had no influence detrimental to him or the Republican party but was relegated to the limbo of "campaign lies."

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[1] Others were disclosed in the investigation; but some of these and of the original fifteen had nothing to do directly or indirectly with the transaction.

The charge was a gross exaggeration. Of bribery in the common acceptance of the term there had been only three cases; but there had been other suspicious transactions and when Congress assembled in December [1872] Blaine, the Speaker, calling S. S. Cox to the chair, moved for a committee of investigation and his resolution was at once carried without a dissenting voice. Cox appointed Luke P. Poland of Vermont, Banks of Massachusetts, George W. McCrary of Iowa, William E. Niblack of Indiana and William M. Merrick of Maryland as the committee. Poland as chairman, McCrary and the two Democrats [Niblack and Merrick] were a guarantee that the inquiry would not result in a whitewashing report. From the reports of this committee and another select committee on the affairs of the Union Pacific Railroad Company[1] and the testimony taken before them, a fairly accurate story can be told of this transaction.

By the statutes of July 1, 1862 and July 2, 1864 Congress authorized the construction of the Union Pacific Railroad, giving it the franchise, and the right of way, and in addition a loan of twenty-seven millions of government bonds. But this loan was not made a first lien on the property, as the company was authorized to issue twenty-seven millions of its own first mortgage securities. Moreover Congress gave it a vast area of the public domain in the form of land grants. For our day this would be a liberal charter and there would be no difficulty in securing subscribers to the authorized capital stock in cash, which the statutes required to furnish a sound basis for the enterprise. But between 1864 and 1869 conditions were far different. The furnishing of so large an amount of money by open cash subscriptions or by a syndicate of moneyed men was impossible. To make a start, to build enough of road to secure the first pro-rata proportion of the government bonds and a mileage on which to issue the first railroad bonds, it was necessary that some men of means, energy and daring should embark in the enterprise and pledge their individual credit. Chief among these men in the case of Union Pacific was Oakes Ames of Massachusetts. He and his associates constructed the road in the fashion then prevailing — they built it on the bonds and took the stock for the road-building. "How much of the stock was paid in cash?" Ames was asked. "It was all paid in cash, or on account of construction which is the same thing," he answered.[1] Little cash apparently was paid in.[2] Nearly all the stock was issued to the members of the construction ring who paid for it "at not more than thirty cents on the dollar in road-making."[3]

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[1] The members of this Committee were J. M. Wilson, Samuel Shellabarger, George F. Hoar, H. W. Slocum, Thomas Swan. The last two named were Democrats.

Ames and his associates organized a construction company securing for it an existing charter of the State of Pennsylvania, called the Credit Mobilier, the stockholders in which were substantially identical with those in the Union Pacific.[4] Ordinarily in the railroad building of the time the construction companies were composed of a select few of the stockholders who, for personal risks taken and services rendered, were, if success attended the operation, eventually recompensed by the rest. But in the case of Union Pacific the bonds and the land grant of the government, together with other privileges, furnished the means for construction and for the profit of the favoured ring. The Credit Mobilier either directly or indirectly constructed a large part of the Union Pacific Railroad and, working with great energy, managed to finish and open it in May 1869 as well as to make a considerable gain for themselves. Oakes Ames in his testimony before the committee stated the cost of the railroad and its equipment to be seventy millions and the profits of the contractors about seven millions,[1] but later in his remarks in the House he admitted that they might be near $10,000,000. John B. Alley a director of the Credit Mobilier said he thought the profits of construction were between eight and nine millions.[2] But the Wilson and Hoar committee[3] say in their report: "It appears then speaking in round numbers that the cost of the road was $50,000,000 which cost was wholly reimbursed from the proceeds of the government bonds and first-mortgage bonds; and that from the stock, the income bonds and land-grant bonds the builders received in cash value at least $23,000,000 profit."[4]

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[1] Wilson report, p. 25.

[2] At the time of the contract with the Credit Mobilier Company, "perhaps two or three hundred thousand dollars." Ibid., p. 3.

[3] Ibid., p. 3.

[4] Ibid., p. xi.

Oakes Ames was elected to Congress in the autumn of 1862 and for the four succeeding terms. In September 1865, he took the Union Pacific upon his shoulders and soon became so heavily involved in the enterprise that he used his position in the House for his private interest rather than for the public weal. His personal acquaintance with his colleagues proved of service in the schemes for self-protection that he was about to set afoot during the session of Congress that began in December 1867. At that time, it is true, he and his associates believed that their greatest difficulties had been overcome. "We asked no legislation and expected none" from Congress, he asserted truly,[1] but they were apprehensive that something might be done to interfere with their expected profits and what they regarded as their rights. The building of the road, "the spanning of the continent with a great highway of civilization," had appealed to the popular imagination and the public had looked upon the successive steps of the enterprise with interest and delight. When Cheyenne was reached in October 1867 the New York *Tribune* told the story in the words "Five hundred miles of civilization": when the whole line to San Francisco was completed, civilization had advanced 2000 miles to the westward.[2]

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[1] Wilson report, p. 724.

[2] Ibid., p. 5.

[3] George F. Hoar says in his Autobiography, vol. i. p. 321, "I had to a large degree the charge of the investigation in Washington, where the witnesses were examined and in the end the duty of preparing the report."

[4] p. xvii. The amount of land-grant bonds issued was $10,400,000; income bonds $9,355,000; stock $36,762,300, ibid., p. ii. I have not the least doubt that the committee's estimate of profits is excessive. But on the other hand, Ames's differing statements deprive his testimony of credit and it is apparent his knowledge is not exact.

But some inquisitive members of Congress were beginning to suspect that the law had been evaded and that a large amount of money was being made in a manner not intended by the statutes which created the company. These statutes provided that the stock should be actually paid for in full in money; as a matter of fact it was issued to men "who paid for it at not more than 30 cents on the dollar in road-making."[3] But, reasoned Ames and his associates, if that condition of the charter had been enforced it would have been impossible to build the road. Therefore the arrangement with the Credit Mobilier was wise; it called into service the vast personal credit of Ames which was necessary to prevent the abandonment of the enterprise. On the other hand, the Wilson-Hoar committee argued, If these stockholders could not build the road "according to the act of Congress, they had no right to build it. They could easily have represented their difficulty to Congress which has dealt generously with them from the beginning."[1] This they should have done in 1865–1866 but they were probably averse to going to Congress for a modification of the charter lest the all-engrossing Reconstruction measures should preclude its being then considered, or lest onerous conditions should be attached even if a modification was secured. Knowing that an evasion of the statutes in this respect would enable them to proceed with the work, they decided upon this course, which after many vicissitudes seemed in December 1867 to promise a high degree of success.

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[1] Poland report, p. 39.

[2] Hollister's Colfax, p. 396; New York *Tribune*, Oct. 28, 1867, May 10, 1869. The Union Pacific R.R. was from Council Bluffs, Iowa to Ogden, 1004 m. The Central Pacific which was built at the same time ran from Ogden to San Francisco (844 m.) making a total of 1848 m.

[3] Wilson report, p. iii.

Thoroughly proper as the Credit-Mobilier-Union-Pacific people believed their action to have been, they were aware that it would not bear the threatened Congressional investigation. Moreover on December 9, 1867 C. C. Washburn of Wisconsin introduced in the House "a bill to regulate by law the rates of transportation over the Pacific Road;" and subsequently he and Washburne of Illinois introduced other measures seemingly inimical to the interests of the company.[2] These considerations prompted Ames to take steps to protect the Union Pacific Railroad against adverse legislation. Three hundred and forty-three shares of the Credit Mobilier were transferred to him as Trustee. "I shall put [these]," he wrote from Washington in a private letter, "where they will do most good to us. I am here on the spot and can better judge where they should go."[3] Beginning in December 1867 "he entered into contracts with a number of senators and representatives to let them have shares of stock in the Credit Mobilier Company at par with interest thereon from the first day of the previous July." Some paid the money for their shares; others who were unable to do so had their stock carried for them by Ames.[1] The shares at this time were worth at least 200. The Poland Committee traced 160 shares for which contracts were made for delivery to different members of Congress. A "part of the purchasers here are poor," Ames wrote in the private letter from Washington hitherto quoted, "and want their bonds to sell to enable them to meet their payment on the stock in the C. M. I have told them what they would get as dividend and they expect I think" to receive the 80 per cent. dividend in bonds.[2] By January 30, 1868 Ames seems to have completed his operations for he writes from Washington in a private letter: "I don't fear any investigation here. . . . I have used this [the Credit Mobilier shares] where it will produce most good to us I think. In view of . . . Washburn's move here, I go in for making our bond dividend in full." [3]

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[1] Wilson report, p. xix.

[2] Poland report, p. iv.; *Cong. Globe*, pp. 211, 1218, 1861, 2130, 2428.

[3] Jan. 25, 1868, Poland Report, p. 4. Ames wrote "I shall," when he had actually placed a number of shares but a confused thought and expression runs through his letters and testimony.

When under oath before the committee on December 18, 1872 he was asked, "What did you refer to by 'Washburn's move here'?" "Washburn," Ames answered, "made an attack upon the Union Pacific Railroad, that we were charging too much fare, that our lands were enormously valuable, worth five to ten dollars an acre for the alkali regions on the plains; that they [Ames and Company] were not going to build the road so as to be good for anything; that the object was to get the Government bonds and then abandon the road to the Government. . . . He wanted to fix a rate of fare by law beyond which we could not charge."[1] On February 22, 1868, Ames wrote again confidentially: "I want that $14,000 increase of the Credit Mobilier to sell here. We want more friends in this Congress and if a man will look into the law (and it is difficult to get them to do it unless they have an interest to do so) he cannot help being convinced that we should not be interfered with."[2]

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[1] Poland report, p. iii.

[2] Ibid., p. v. I have given a liberal paraphrase to a sentence impossible to parse.

[3] Ibid., p. 5. There is here again a confusion of dates. Washburn of Wisconsin is obviously meant and I have therefore corrected the spelling in the letter.

The dividends paid on this stock during 1868 were:—

January 4,	80 per cent. in first mortgage bonds of Union Pacific Railroad. 100 per cent. in Union Pacific Railroad stock.
June 17,	60 per cent. cash; 40 per cent. in U.P.R.R. stock.
July 3,	75 per cent. first mortgage bonds U.P.R.R.; 75 per cent. in U.P.R.R. stock.
Sept. 3,	75 per cent. first mortgage bonds U.P.R.R.; 100 per cent. in U.P.R.R. stock.
Dec. 19,	200 per cent. U.P.R.R. stock.[3]

Union Pacific Railroad first mortgage bonds were worth from 80 cents to 97 cents, the stock from 19 cents to 30 cents. Rating them respectively at 80 cents and 19 cents the holder of ten shares of Credit Mobilier which cost the member of Congress $1000 and interest from July 1, 1867 was entitled in 1868 to dividends which would amount in cash to $3418.50. Only two or three members who had contracts for the stock received all these large dividends. Some cancelled their agreements before any were paid to them; some received one dividend, others two, and then insisted that the contracts be abrogated. To some the certificates of stock were actually transferred, whilst the title of others to ownership was merely their agreement with Ames, in which cases a verbal withdrawal from the transaction was all that was necessary. The members' unwillingness to hold on longer to the stock or valuable privilege was due in part to a lawsuit in which the Credit Mobilier was becoming involved and in part to their own suspicions of the large dividends. It does not appear that any member of Congress was told of any prospective dividend except the first; nor is it certain that even so much information was imparted to all. In some instances Ames stated that it was good stock and "he would guarantee that they should get at least 10 per cent. on their money." Some members asked whether the holding of the stock would embarrass them in their legislative responsibility. No, said Ames, "The Union Pacific has received from Congress all the grants and legislation it wants and they shall ask for nothing more." [1]

---

[1] Poland report, p. 41. Washburn's speeches in the House hardly justify Ames's assertion. His main speech was March 20, 1868, *Globe Appendix*, p. 298. Washburne's of Illinois of Jan. 19, 1869 comes nearer to it. *Globe*, p. 463.

[2] Poland report, p. 7.

[3] Ibid., pp. 40, 51, 55.

The Poland committee took evidence in regard to a number of men whose cases it did not consider in its report for lack of jurisdiction, but its finding in regard to Dawes, Scofield, Bingham, Kelley and Garfield will apply to all the others except three whom I shall specially mention. The committee absolved them from "any corrupt motive or purpose" and expressed the opinion that they had no idea that they were "guilty of any impropriety or even indelicacy in becoming a purchaser of the stock."[2] It was fully established by the evidence that Ames had said nothing during the transaction which would lead the members to understand that they were expected to return the favour by their votes or influence in Congress. One incident did indeed look suspicious. The Washburn bill came up during the period when most of the members had a contract for their stock; and when it "came to a vote," said Poland in his speech presenting his report, "Ames and all his friends were found voting in opposition to it."[1] This with the exception of the statute of April 10, 1869 was the only positive action of either House. That statute was passed before all these accounts with Ames were closed; but its authorization to remove the office of the Union Pacific Railroad Company to Boston, which Ames and his associates desired, was, under the circumstances, entirely proper; and the other parts of the Act were restrictive and safeguarded the interests of the government.[2]

---

[1] Poland report, p. iii.

[2] Ibid., p. 9.

The Poland committee[3] found Oakes Ames "guilty of selling to members of Congress" shares in the Credit Mobilier at prices much below their true value with the intent "to influence the votes and decisions of such members in matters to be brought before Congress for action"; and it recommended his expulsion from the House. It found James Brooks of New York guilty of corruption as a member of the House and as a government director of the Union Pacific Railroad and likewise recommended his expulsion.[4] The House changed the resolution for expulsion in both cases to one of censure, which in the case of Ames was carried by 182 : 36 and in that of Brooks by 174 : 32.[5] The fact is, the House had unwittingly executed on these unhappy men the extreme penalty of the law. The vote of censure was had February 27, 1873.[6] Brooks died on the April 30 following; Ames on the 8th of May. The deaths of both men were undoubtedly hastened by their mortification and disgrace.

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[1] If those not voting are assumed in opposition, Poland's statement is sufficiently exact. For the votes see *Globe*, 40th Cong. 2d Sess., pp. 1218, 2130, 2428.

[2] For this statute see Poland report, p. 196.

[3] The Poland committee was appointed on Dec. 2, 1872, the first day of the session. It reported on Feb. 18, 1873.

[4] Ibid., p. xix.

[5] House Journal; *Globe;* 22 did not vote on the Ames case, 34 on the Brooks.

[6] Neither had been chosen members of the next Congress.

The finding of the committee in the case of Brooks was just;[1] that in the case of Ames strictly in accordance with the law. Nevertheless the fate of Ames was sad. Of a speculative turn of mind, but, with a reputation for business honesty in his own community, he went into the Union Pacific Railroad from two motives: one was to make money; the other, "the desire to connect his name conspicuously with the greatest public work of the present century."[2] John B. Alley testified that Ames's own profits were less than a million, which, considering the labour and risk involved, was by no means an excessive recompense. In fact it appears that the extension from their creditors which the Ames Brothers were forced to [illegible] in 1870 was due to financial embarrassment arising out of their connection with the Union Pacific Railroad.[3]

Ames was the product of his time. In business ethics the man who took a bribe was dishonourable, the man who gave it was not. But Ames did not think that he was offering bribes;[4] he had no idea that he was doing an immoral or indelicate act; he thought his transactions with members of Congress were the "same thing as going into a business community and interesting the leading business men by giving them shares."[5] "Was there any purpose on your part," asked Poland when he was giving his testimony, "of exercising any influence over members of Congress or to corrupt them in any way?" "I never dreamed of it," answered Ames; "I did not know that they required it, because they were all friends of the road and my friends. If you want to bribe a man you want to bribe one who is opposed to you, not to bribe one who is your friend. . . . I never made a promise to, or got one from, any member of Congress in my life, and I would not dare to attempt it."[1] His remarks which were read in the House by the clerk[2] before the resolution of censure was passed have the ring of sincerity. "I have," he said, "risked reputation, fortune, everything in an enterprise of incalculable benefit to the government from which the capital of the world shrank; . . . I have had friends, some of them in official life, with whom I have been willing to share advantageous opportunities of investment; . . . I have kept to the truth through good and evil report, denying nothing, concealing nothing, reserving nothing. Who will say that I alone am to be offered up a sacrifice to appease a public clamor, or expiate the sins of others?"

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[1] I have not thought it necessary to present the details which justify my opinion.

[2] Ames's defence in the House.

[3] Appletons' Annual Cyclopædia, 1873, p. 21; Poland report, pp. 15, 95.

[4] There was no connection between Ames and Brooks. Poland's speech, Feb. 25, 1873.

[5] Ibid., Feb. 25.

A Senate committee sitting in February [1873] found James W. Patterson, a senator from New Hampshire, guilty of corruption and false swearing and reported a resolution that he be expelled from the Senate.[3] Since but five days of the session remained and his term expired on March 4, no action was taken on the resolution.

Colonel Chipman, in a letter to Nast of January 26, 1873 presented an intelligent contemporaneous opinion, which is pretty nearly the conclusion at which the historian must arrive. "I have not lost my faith in the honesty and integrity of such men as Dawes, Bingham, Garfield," . . . he wrote, "but we must have our ideas as to their sagacity greatly shocked and lowered. . . . These gentlemen had a little money to invest. They are all poor, and to turn an honest penny seemed desirable. The sly and devilish Ames gave them the opportunity for the investment without fully acquainting them with the transaction.

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[1] Poland report, p. 32.

[2] Feb. 25, *Globe*, p. 1726.

[3] Report No. 519, 42d Cong., 3d sess.

"Scene second. The campaign comes on; some whisperings about Credit Mobilier stock in the hands of well-known Republicans. They thought a frank confession might hurt Grant and that the public would not admit the investment in the stocks to be a legitimate thing; hence, they concealed the facts and misled the public.

Scene third. The Congressional Investigation begins. With the same stupidity they keep back the simple truth and seek again to cover up facts. Step by step the disclosures are brought out until the country is shocked, without knowing exactly why or how. It has ruined Colfax and Patterson and some others, and greatly lowered the public opinion in their integrity. All of them must suffer more or less."[1]

For its bearing on their future careers something still remains to be said of the various attitudes towards Credit Mobilier of a number of men in public life. It is almost superfluous to write that Boutwell who was a member of the House at the time of the transactions took none of the stock. Dawes[2] and Henry Wilson were guilty of impropriety but the public knew that they were absolutely incorruptible and entirely acquitted them; nor did they suffer afterwards for their transactions with Ames. The cases of Bingham and Kelley were different from these and different from each other but neither man was guilty of corruption. Colfax was Speaker of the House at the time and agreed to take twenty shares of Credit Mobilier. His denial of the charge made during the campaign was disingenuous. Before the committee he admitted the contract for the stock but testified that on reflection he had decided not to take it and swore that he had never received any dividends. But Ames, by his testimony and an entry in his famous "Memorandum Book" showed a payment of $1200 as a dividend on the Credit Mobilier to Colfax.[1] Colfax appeared before the committee a number of times and, floundering grievously in an attempt to explain the contemporaneous deposit of $1200 to his credit in his bank, only succeeded in getting himself deeper in the mire. It is impossible to believe that he told the truth. In the course of his endeavour to account for these $1200 it transpired that he had received four thousand dollars from George F. Nesbitt of New York who had sent it ostensibly out of admiration for Colfax, as a contribution for his personal expenses during his vice-presidential campaign of 1868. But it was further disclosed that Nesbitt was a large stationer and had obtained, while Colfax was chairman of the Post Office committee of the House, large contracts for government envelopes.

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[1] Life of Nast, Paine, p. 270. Patterson's name is where the first ellipsis occurs. Chipman wrote before the Senate committee had taken testimony and made their report. Of course I do not subscribe to "the sly and devilish Ames."

[2] A denial of Dawes in a private letter of Sept. 11, 1872 got into print without his authority and knowledge. It was over-reticent and led to some suspicion which was dispelled completely by his statement before the investigating committee.

Hollister, the biographer of Colfax, has made a strong plea for the innocence of his hero. It is strong in the presentation of the case itself and in the evident sincerity of the writer. But much as one would like to believe it and so to share the confidence which the people of South Bend [Indiana] expressed in the most distinguished of its citizens, the plea does not carry conviction. Although the biographer has failed in this, he has drawn

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[1] The account with Colfax from the Memorandum Book was: —

S. C. Dr.		Cr.	
1868		1868	
To 20 shares C. M. of A.	$2,000 00	March 5, By Cash . . .	$ 534 72
To interest	86 72	Feb. 14, Dividends of bonds U. P. R. 2000, 80, 1600 less 3 per cent. . .	1,552 00
June 19, To cash	1,200 00	June 17, By dividend collected for his account .	1,200 00
	$3,286 72		$3,286 72

Poland report, p. 288.

a pathetic contrast of the two periods in the life of Colfax. As Speaker and Vice-President he was one of the foremost men of the nation and even aspired to the highest office in the land. He was asked by Grant to become Secretary of State should Fish persist in giving up the burden;[1] after Greeley died he was offered the editorship of the New York *Tribune*.[2] In the later period, he led an inconspicuous life, without influence in the affairs of the nation; he earned his livelihood as a successful popular lecturer, touring the country from one end to the other.

Hollister's table of contents tells the story. Three hundred and fifty-eight pages are devoted to the busy political life of eighteen years and fifty-one to the twelve years of unavailing regret at the failure of his political career.[3] On March 4, 1869 Colfax may be said to have reached the height of his fame. Had strength been needed, he had added it to the Grant presidential ticket. He was amiable and attractive and one of the most popular men in the country; his personal morals, apart from money affairs, were pure and his domestic life happy. Brilliant prospects gave him a consciousness of power which he was at no pains to disguise. On March 4, 1873 he left the capital in humility and disgrace. Playing upon the ever ready smile on what had seemed an honest face, the wags of the press now altered his first name, and, whenever they referred to him in his comparative obscurity, called him "Smiler" Colfax.

The American people's love of veracity and straightforwardness was illustrated in the testimony of William B. Allison and its consequences. Allison had taken from Ames ten shares of Credit Mobilier; and without any concealment or evasion he gave an account of this transaction, of his dividends, of his return of the stock and the reason therefor. In his testimony he said, "I have no interest in any matter covertly that I am not willing the public at any time should know all about."[1] In these few words he laid down a rule than which none could be safer or more proper as a guide to public officials and members of Congress in making investments. Allison's name is never associated with the Credit Mobilier. From 1873 to the present time,[2] he has without interruption been returned to the Senate by his State of Iowa which is well known as an intelligent and highly moral constituency.

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[1] Aug. 4, 1871. Hollister, p. 356.

[2] Ibid., p. 388.

[3] He died in 1885 at the age of 62.

To those whose memory goes back to the winter of 1873 the mention of the Credit Mobilier brings up pre-eminently three names, Ames, Colfax and Garfield. Garfield testified that Ames had offered him ten shares of the stock and that, after holding the offer under consideration for a while, he had decided not to take it. "I never owned," he swore, "received or agreed to receive any stock of the Credit Mobilier or of the Union Pacific Railroad, nor any dividend or profits arising from either of them."[3] On the other hand Ames testified that he procured ten shares of Credit Mobilier for Garfield who agreed to take it; and his Memorandum Book showed this account.

	J. A. G.	Dr.
1868	To 10 shares stock Credit Mobilier of A.	$1,000 00
	Interest	47 00
	June 19, To Cash	329 00
		$1,376 00[4]
		Cr.
1868	By dividend bonds. Union Pacific Railroad $1000 at 80 per cent. less 3 per cent.	776 00
	June 17, By dividend collected for your account	600 00
		$1,376 00

No certificate of stock was ever transferred to Garfield.

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[1] Poland report, p. 308. [2] 1906. [3] Poland report, p. 129. [4] Ibid., p. 297.

Garfield admitted that he had received three hundred dollars from Ames, but testified that this was money borrowed during the session of 1868. From the evidence it is easy to see that a misunderstanding might have occurred, Ames and Garfield carrying away different ideas from their conversation. Though Ames was a truthful witness, he does not impress the reader as having a trained and logical mind; his memory was bad for dates and details and much of his testimony is undoubtedly inaccurate. The entry in the Memorandum Book, as being supposedly contemporaneous, is indeed weighty evidence, yet these entries were not always made on the spot, even though they recorded the true dates of the transactions.[1] What makes the case damaging to Garfield is that the Poland committee, who, in addition to the record, had the advantage of seeing the witness face to face, adopted Ames's version.[2] The Poland report, against Garfield's testimony, indicates that he swore falsely or that his memory had been treacherous.

While the friends and admirers of Garfield may well wish that the transaction had a better aspect, it is indisputable that he won his case before very intelligent juries. Standing for re-election to the House in 1874 the burden of his canvass was the explanation of this and two other charges[3]; and at one memorable meeting he invited friends and enemies to be present and put him to question. His district was composed of Ashtabula, Geauga, Lake, Portage and Trumbull counties in the Western Reserve of Ohio, a district celebrated all over the country for its intelligent and high-minded people; it was made up of inquisitive and reflecting voters. To these he argued his case and received a vindication.

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[1] Poland report, p. 448.

[2] Ibid., p. vii.

[3] These will be considered when in a future volume I speak of Garfield's candidacy for the presidency.

This needs some explanation. Garfield's majority in 1872 had been 10,935; in 1874 it was but 6346. His vote fell off 6600. But it was a year of Republican disaffection and Democratic success and he suffered from the general reaction. By the election of 1872 Ohio had sent 13 Republicans and 7 Democrats to the House; by that of 1874 the figures were exactly reversed [13 Democrats, 7 Republicans]. In the district adjoining Garfield's, and containing the city of Cleveland, a Republican majority in 1872 of 2700 was succeeded by a Democratic majority in 1874 of 2500. Moreover, of the falling off in Garfield's vote of 6600, 2378 was in Trumbull county which, having an extensive iron industry, had become disaffected to Garfield because of his advocacy of tariff reform.

In 1874, Garfield won his nomination in that sure Republican district by 100 to 34 blanks; in 1876 and 1878 he was nominated by acclamation. In January 1880 he received a unanimous nomination from the Republicans of the legislature for United States senator and was chosen to represent Ohio in the Senate, but on the day on which he would otherwise have taken his seat he was inaugurated President of the United States. During the presidential campaign and at the polls, he received the significant endorsement of the so-called independent Republicans. In all these contests, intelligent and honest men carefully considered his record in the Credit Mobilier case and most of them came to the conclusion that he had spoken the truth and that Ames and the Poland committee were mistaken; of those who doubted the accuracy of his statements, the greater part believed that he was at all events innocent of corruption and of perjury.

The effect of the disclosures on public sentiment was profound. After one of its greatest victories the Republican party was put on trial. To the trusting constituents, it was a sickening thought that so many of their leaders had apparently been found wanting. That Henry Wilson, Dawes, Kelley, Bingham and Garfield should even be suspected of corruption, that Colfax had sworn falsely to cover up his operations struck dismay to Republicans to whom the safety of the country had seemed bound up in the dominance of their party. With stern appreciation of the popular sentiment Poland wrote in his report: "This country is fast becoming filled with gigantic corporations wielding and controlling immense aggregations of money and thereby commanding great influence and power. It is notorious in many state legislatures that these influences are often controlling, so that in effect they become the ruling power of the State. Within a few years Congress has to some extent been brought within similar influences, and the knowledge of the public on that subject has brought great discredit upon the body, far more, we believe, than there were facts to justify. But such is the tendency of the time, and the belief is far too general that all men can be ruled with money, and that the use of such means to carry public measures is legitimate and proper. No member of Congress ought to place himself in circumstances of suspicion, so that any discredit of the body shall arise on his account. It is of the highest importance that the national legislature should be free of all taint of corruption and it is of almost equal necessity that the people should feel confident that it is so. In a free government like ours we cannot expect the people will long respect the laws, if they lose respect for the law-makers."[1]

Not only was there corruption in Congress and the State legislatures but it was notorious in so important a branch of the civil service as the New York custom house. A grave impropriety was exposed in one of the United States judiciary which led to his resignation.

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[1] Poland report, p. x.

To many it seemed by no means unlikely that the Credit Mobilier and the other affairs that were brought to light were only the open sores of a festering body politic: earnest people asked in despair, Is there no longer honesty in public life?[1]

Public sentiment was further outraged by the passage of the so-called "Salary Grab" act [March 3, 1873]. The question of an increase of salaries was brought before the House by Butler in a report of the Committee on the Judiciary in which excellent reasons were given for the proposed action. The act as finally passed, Democrats and Republicans alike voting for it, raised the President's salary from $25,000 to $50,000 a year and made proper increases for the Justices of the Supreme Court, the Vice-President, the members of the cabinet and the Speaker of the House;[2] it raised the pay of senators and representatives from $5000 to $7500 per annum. Our democracy has always been noted for its failure to comprehend the reasons for paying high salaries to public servants. In this case it made no objection to the larger emoluments for the President and Judges of the Supreme Court but centred its wrath upon members of the legislative body. Here even the mere increase of salary, although improperly tacked on to an appropriation bill, might have been submitted to after a certain amount of grumbling; but the law applied to the members of the present Congress, and the fact that on March 3, 1873 they voted themselves $5000 each for work done during two years preceding that date caused an explosion which made them tremble. Senators and representatives, who voted for the bill, explained and argued the matter to their constituents. The precedents, they urged truly, were all on the side of the retroactive provision; but the public ire was thoroughly aroused and all arguments were powerless to vindicate the act. The "salary grab" came to be called the "back pay steal." In response to the popular indignation a host of members who had drawn the increased salary covered it into the Treasury. When the Forty-third Congress came together at its first session in December [1873] the subject was at once taken up. Much time was devoted to it in both the House and the Senate with the result that on January 13, 1874 a bill was passed repealing all the increases of compensation except those of the President and Justices of the Supreme Court.[1]

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[1] My main authorities for this account are the Poland and Wilson reports. I have been helped by Life of Bowles, Merriam, vol. ii.; Appletons' Annual Cyclopædia, 1873; George F. Hoar's Autobiography, vol. i.; Life of Nast, Paine; Life of Colfax, Hollister; Life of Garfield, Riddle; *The Nation.* In regard to the New York custom house, see Senate report of March 3, 1871. S. R. 41st Cong. 3d Sess., No. 380; Conkling's resolution, Dec. 18, 1871, *Globe*, p. 159; majority and minority reports of Committee on investigation, June 1872, S. R. 42d Cong. 2d Sess., No. 227.

[2] The salaries of the Vice-President, Speaker of the House and members of the Cabinet were fixed at $10,000 each; the Chief Justice $10,500, the Associate Justices each $10,000.

The shadow cast by Credit Mobilier was still deep, and the murmurs against "salary grab" were rising ominously when Grant, the head of the party that was held responsible for both outrages, took the oath of office, and, on a bitterly cold March day, delivered his inaugural address. The address was commonplace enough; but knowing that a great general and well-meaning man was entering for the second time upon an undertaking that he was not equal to, one detects in it a note of pathos, especially in the closing words: "Throughout the war and from my candidacy for my present office in 1868 to the close of the last presidential campaign, I have been the subject of abuse and slander scarcely ever equalled in political history, which to-day I feel that I can afford to disregard in view of your verdict, which I gratefully accept as my vindication."

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[1] The date given is the passage of the bill by the House. It passed the Senate Jan. 12, and was approved Jan. 20, 1874. McPherson's Hand-Book of 1874 gives a convenient history of the "Salary Grab" act and its repeal, p. 3 *et seq.*

The most important measure of the session of Congress which ended March 3, 1873, for the subsequent history of the country was the Coinage Act of Feb. 12, 1873, which demonetized the 412½ grains silver dollar. This may be more properly considered in connection with the silver legislation of 1878 than now. I desire here to express my many obligations to William MacDonald's "Select Statutes," 1861–1898.

Soon after the inauguration, it became evident that any reliance on Grant for the accomplishment of reform in the civil service was vain. George William Curtis liked him and endeavoured to put the best face on his faint efforts in that direction, writing on December 2, 1872 to Charles Eliot Norton, "The cabinet is not friendly but fortunately Grant is tenacious and resolved upon the spirit which should govern appointments."[1] But on March 18, 1873 Curtis wrote to the President, "As the circumstances under which several important appointments have recently been made seem to me to show an abandonment both of the spirit and the letter of the civil service regulations, I respectfully resign my position as a member of the Advisory Board of the Civil Service."[2] [or as it is frequently called, Civil Service Commission. Curtis was chairman.] Curtis here wrote finis to Grant's half-hearted work for a reform of which he had little comprehension. The pretence continued a while longer. The President appointed an excellent man in Curtis's place, Dorman B. Eaton; he approved "certain further rules" of the Civil Service Commission; and he referred to the subject in three different messages.[3] But on December 7, 1874 he wrote in his annual message: "I announce that if Congress adjourns without positive legislation on the subject of 'civil service reform' I will regard such action as a disapproval of the system and will abandon it."[4] Congress did not enact such positive legislation. Competitive examinations were almost everywhere given up,[1] and with them even the pretence of reform.

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[1] Life by Edward Cary, p. 232.

[2] New York *Times*, April 9.

[3] Richardson, vol. vii. pp. 230, 254, 263.

[4] Ibid., p. 301.

From this point our civil service went from bad to worse. During the early part of 1874 an appointment was made which outraged the people of Massachusetts. So powerful, indeed, was the array of the better element in the State against the evil influence of one man, that the affair at once assumed a national importance. William A. Simmons, a henchman of Butler's, was nominated for collector of the port of Boston [February 1874]. "Simmons," wrote Merriam, "was a characteristic product of the times. He was a man of good private life, a church-goer, a Methodist class-leader, but a practiced adept in manipulating the lowest class of voters and in carrying elections by dubious means." [2] Boutwell, now senator, gave the appointment his approval. Sumner opposed it and by his opposition made Grant only the more set in his purpose.[3] But the names of the men who sided with the senior senator are evidence of the unfitness of Simmons for so important an office. Among them were Washburn, the governor of the Commonwealth, Dr. Oliver Wendell Holmes and John G. Whittier all of whom wrote to Sumner adversely to Simmons's confirmation. Judge Hoar, George F. Hoar, Henry L. Pierce and four other Massachusetts members of the House, making seven out of the eleven, were of the same mind. The Boston *Daily Advertiser* protested vigorously against the appointment and in a letter to the President said: "Sir, you are beset by evil advisers; you are deceived by their representations, and either through a misapprehension of circumstances or a want of knowledge of the sentiments of this nation you are led to lend your aid to their schemes. . . . The employment made of the administrative service of this country is rotten in root and branch. . . . The great party . . . led as it now is . . . has only a future of bitter disaster and disgrace to you, to us [the citizens of Massachusetts] and to the nation."[1] George F. Hoar in a personal interview told the President of the dissatisfaction of the Republicans of Massachusetts and begged that the nomination be withdrawn. The Senate committee reported adversely to the confirmation. But Grant was obdurate; he would not withdraw Simmons's name. Conkling and Carpenter it is said championed his cause in Executive session and in February [1874] he was confirmed, although Boutwell, frightened probably by the storm that had risen in Massachusetts, voted against him. Butler was the main factor in securing the confirmation as he had been in getting the appointment and his success in both cases was due to the influence he possessed over the President. "I have a hold over Grant," Butler said to Judge Hoar, "and he does not dare withdraw Simmons's name." Owing to a mutual respect and liking, Judge Hoar could talk more plainly to the President than any other of the more cultivated men in public life. In a personal interview, he urged the withdrawal of the nomination, but to no effect; then, hoping perhaps to arouse his indignation, he broke out, as they sat close together in confidential talk, "Butler says he has a hold over you." Grant set his teeth, then drew down his jaw and, without changing countenance, looked Hoar straight in the eye but said not a word. A long and painful silence ensued and Hoar went away.[2]

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[1] A notable exception was the New York City Post Office, where a system of competitive examinations was built up by the Postmaster, Thomas James.

[2] Life of Bowles, vol. ii. p. 266.

[3] See incident related by George F. Hoar, Autobiography, vol. i. p. 210.

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[1] Feb. 23, 1874; *The Nation*, Feb. 26.

[2] Conversation with Judge Hoar, Oct. 4, 1893. My other authorities are Pierce's Sumner, vol. iv. p. 589; George F. Hoar, Autobiography, vol. i. pp. 210, 386, vol. ii. p. 3. *The Nation*, Jan.–June, 1874, pp. 116, 131, 148; Life of Bowles, Merriam, vol. ii. p. 266. On Feb. 26, 1874, Boutwell from the

"Statesmanship in Congress," wrote Thurlow Weed towards the close of 1873, "is now so low that it will take many years to build it up to a higher tone. Probably the most influential man in Congress to-day is Benjamin F. Butler, — as he is the worst. Massachusetts never served the country so badly as when she sent General Butler to Congress. It is an alarming sign of the times that a man of his astuteness thinks that the course he chooses to adopt is one which will give him a large following."[1]

On May 7, 1873 Chief Justice Chase died and the President, acting upon a matured conviction, offered [November 8] the place thus made vacant to his most intimate political friend, Roscoe Conkling.[2] When Grant's purpose leaked out, the independent press objected strongly to the intended appointment on the ground that Conkling had devoted himself to practical politics rather than to his profession, having rarely appeared before the higher courts and only once before the Supreme Court of the United States, and that in his long career he had shown little of the quality of a statesman. All this was undoubtedly true, yet there are excellent reasons for the belief that Conkling would have made a good Chief Justice and that for his own fame it is to be regretted that he declined the office which Grant offered him in complimentary and generous terms. He had had a good training for the place. Although, contrary to the keen desire of his father, he had refused to go to college, he learned much from this

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Committee on Commerce reported adversely on Simmons's nomination. The vote stood that day 15 : 20. No quorum. Next day Simmons was confirmed 30 : 16. Boutwell voted no, Conkling did not vote nor did Hamlin, Anthony and Edmunds. Six New England senators voted no, only one aye, Sprague. Carpenter and Logan voted aye. Executive Journal, vol. xix. pp. 259, 260. The Boston *Daily Advertiser* is my authority for the statement that Conkling and Carpenter urged his confirmation ; also Pierce.

[1] Life of Weed, vol. ii. p. 501.

[2] Life of Conkling, A. R. Conkling, p.460.

father, a college-bred man, who was for twenty-seven years a United States district judge, loved good literature and the society of cultivated and distinguished men. Among those who resorted to his house were Chancellor Kent, Justice Smith Thompson [sixteen years justice of the New York Supreme Court, twenty years on the Supreme bench of the United States], John Quincy Adams, Martin Van Buren and Thurlow Weed. For the alert young Conkling here was an auspicious environment.

He read law at Utica in the office of Francis Kernan, an able lawyer, later his opponent in contests for election to Congress. Conkling was a reader of good books and, in his excellent speeches, paid great attention to diction, showing in this respect the influence of his studies of the Bible, Shakespeare and Milton, Burke and Macaulay and the nineteenth-century poets. It was said that he had learned by heart the first book and most of the third of Bryant's translation of the *Iliad;* and one cannot help wondering if it ever occurred to him that Agamemnon's estimate of Achilles exactly suited himself: —

> "This man would stand
> Above all others; he aspires to be
> The master, over all to domineer,
> And to direct in all things."[1]

Conkling was barely 44; he would undoubtedly have adapted himself to the atmosphere of the Supreme Court and been swayed by its solemn traditions. He was an industrious man and could easily have mastered the cases; opinions written in his clear style would have been a noteworthy addition to our legal lore. It was a misfortune for the bench as well as for himself that he declined the appointment.[2]

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[1] Book I. lines 361–364.

[2] See Life of Roscoe Conkling, A. R. Conkling; Article in Appletons' Cyclopædia of Biography; *The Nation.*

The capriciousness of Grant's judgment was shown in his second selection, George H. Williams of Oregon, his Attorney-General. The Bar Association of New York City, regarding the office as "second in dignity and importance to no other under our government," protested against this nomination and remonstrated earnestly against its confirmation by the Senate as Williams was "wanting in those qualifications of intellect, experience and reputation which are indispensable to uphold the dignity of the highest national court." It was said that the Senate, which was more than two-thirds Republican was almost unanimous for the rejection of the nomination[1] and it was withdrawn.[2]

Worse remained behind. Caleb Cushing was the next nomination, sent in, so Tom Murphy[3] was reported as saying, because "they made such a fuss over the nomination of Williams that the old man got mad."[4] Though Cushing was an eminent lawyer and the most learned of the American counsel at the Geneva Arbitration, his probity was so seriously in question as to make his nomination for Chief Justice of the Supreme Court anomalous to a degree. This was the real reason of the Senate's refusal to confirm the appointment. Two senators who were friends of the administration wrote in a private letter that he was condemned "because he lacked principle."[5] Grant however was saved from another direct rebuff by the unearthing of a letter written in March, 1861 by Cushing to Jefferson Davis in which he recommended to his "dear friend" a renegade civil servant. Assigning this letter as a reason, the Republican caucus asked the President to withdraw the nomination, which was done at once [January 13, 1874].[1]

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[1] *The Nation*, Jan. 8, 1874, p. 18.

[2] Pierce's Sumner, vol. iv. p. 585. Conkling from the Committee on the Judiciary reported favourably on Williams (Dec. 11, 1873). On Edmunds's motion on Dec. 15 the nomination was recommitted. On January 8, 1874, the President withdrew the nomination at Williams's request. Executive Journal, vol. xix. pp. 183–189, 210.

[3] *Ante.*

[4] *The Nation*, Jan. 22, 1874, p. 51.

[5] Howe and Hamlin, Life of Conkling, p. 463.

An effort was now made by Senators Howe and Hamlin to induce Conkling to reconsider his refusal. To A. B. Cornell a political friend and co-worker of his they wrote on January 18: "The country seems to require that the Chief Justice should possess high character, sound principles, great capacity and wide celebrity. . . . We have the *best* of evidence that the President would like to renew the offer to Mr. Conkling. . . . *If* you will say to us by *twelve o'clock* to-morrow that Mr. Conkling will accept, he can be made Chief Justice by four P.M. . . . There can be no doubt that we are acting in harmony with our friends here." Word that circumstances rendered it "inadmissible" for Conkling to take the place, reached Howe in the Senate chamber shortly after twelve [January 19];[2] and, on the same day the President, whose mind was already made up as to his next choice, sent to the Senate the name of Morrison R. Waite of Ohio who two days later was unanimously confirmed.

Waite had been brought into national prominence by his useful service as one of the counsel at the Geneva Arbitration,[3] and his Alma Mater [Yale] had signalized his return home by conferring upon him the degree of Doctor of Laws. He had graduated at twenty-one in the class with William M. Evarts, Benjamin Silliman and Edwards Pierrepont, another classmate for a part of the course being Samuel J. Tilden. For years he had been

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[1] *The Nation*, Jan. 15, 1874, p. 33; Pierce's Sumner, vol. iv. p. 585; Richardson, vol. vii. p. 259; Executive Journal, vol. xix. pp. 218, 221; New York *Tribune*, Jan. 14, 15.

[2] Life of Conkling, pp. 463, 464.

[3] He did not impress Roundell Palmer with his ability. "Mr. Waite," he wrote, "was a commonplace honest man, with nothing remarkable about him; the elevation which awaited him was not then dreamt of by anybody." Memoirs, vol. i. p. 248.

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well known in Ohio as an able lawyer at its distinguished bar, and at the time of his appointment was presiding over the State constitutional convention by its unanimous choice. It was in itself an entirely proper appointment and the Senate and the country felt great relief at their escape from Williams and Cushing but they had little idea of the inherent capacity of this modest son of Ohio.[1] "Chief Justice Waite," wrote Edward L. Pierce, "held the office for fourteen years and left a name which bears well a comparison with those of his predecessors."[2]

Fish, who remained in the State department during the whole of Grant's two terms, had during 1873 another opportunity to reflect some honour on an otherwise discredited administration. The civil war, which had been going on in Cuba for a number of years, still continued in a "languid, desultory, ferocious and indecisive"[3] way and an incident of the struggle came near bringing Spain and the United States to blows. In 1870 an American-built steamer, the *Virginius*, had been bought for the purpose of being used for landing military expeditions on the island in aid of the Cuban insurgents and she had actually been to some extent engaged in this work, being called by one of the Havana newspapers "the famous filibuster steamer *Virginius*."[4] On October 31, 1873 she was bound from Kingston, Jamaica to some point in Cuba, flying the American flag, and carrying a cargo of war material, as well as 155 passengers and crew, among whom were some American citizens; but the passengers were for the most part Cubans intending to join the insurgents. Sighted by the Spanish war steamer *Tornado*, she turned about and ran towards Jamaica but was pursued, captured and taken into

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[1] *The Nation;* Appletons' Cyclopædia of Biography.

[2] Pierce's Sumner, vol. iv. p. 587.

[3] *The Nation*, Nov. 20, 1873, p. 334.

[4] Foreign Relations, 1874, p. 1055.

Santiago de Cuba. Fifty-three of the crew and passengers were condemned to death by court-martial and between November 4 and 8 inclusive were shot;[1] among them were eight American citizens.

Fish acted promptly. "The capture on the high seas of a vessel bearing the American flag," he telegraphed on November 7 to General Sickles, our minister in Spain, "presents a very grave question, which will need investigation; . . . and if it prove that an American citizen has been wrongfully executed, this government will require most ample reparation."[2] At the same time the affair was receiving attention in Madrid. Castelar, the president of the existing but short-lived Spanish Republic, abhorred bloodshed and disliked military *pronunciamientos*.[3] He had the news of the capture of the *Virginius* at seven o'clock on the morning of November 6 and at once telegraphed to the captain-general at Havana "that the death penalty must not be imposed on any non-combatant without the previous approval of the Cortes, nor upon any persons taken in arms against the government without the sanction of the Executive." Four days later he said to Sickles: "How deeply I deplore the execution of the four prisoners at Santiago de Cuba! [those on November 4]. What a misfortune that my order was not received in time to prevent such an act! It was against the law and the only excuse offered is that a sentence of death had already been pronounced against these men.[4] Such scandals must cease." Later Castelar received the intelligence of the "wholesale butchery and murder"[5] with deep concern.

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[1] Others were sentenced to death but only fifty-three were executed.

[2] Foreign Relations, 1874, p. 922.

[3] Article Castelar, A. E. Houghton, Encyclopædia Britannica, vol. xxvi. p. 612.

[4] It was asserted that these four had been tried and sentenced to death about two years previously.

[5] Words of Fish.

The evidence is clear that his order reached Havana too late to prevent the executions of November 7 and 8. There can be no doubt as to the sincerity of his expressions of regret.[1]

The Virginius affair caused great excitement in the United States. "The People Aroused," "America Arming" and "A Burst of Wrath" are some of the newspaper headings. The many pending grievances of American citizens, sympathy with the insurgents, desire for the acquisition of Cuba partly from greed, partly in order to abate a nuisance so near our coast, — all these influences combined to magnify the supposed insult to our flag at the hands of "Spanish ferocity and barbarism." Influential newspapers of both parties maintained that the offence could not be wiped out by an apology and urged the government to "immediate and violent action against Spain."[2] New York City was the focus of the excitement; there indignation over the *Virginius* was enforced by the influence of the Cuban revolutionists who made New York their headquarters. A public meeting was organized by the Cuban junta, so the report ran, but the spontaneity of the proceedings showed that manipulation had not been necessary. Steinway Hall, full to the doors, listened to an earnest speech from William M. Evarts the chairman of the meeting which expressed the popular indignation. [November 17.] An overflow meeting was held near by in Tammany Hall, when S. S. Cox made an inflammatory speech. It was evident that the procedure of our Secretary of State was too slow for the patriots who gathered in Tammany Hall, as the mention of his name was greeted with hisses and cries, "Down with Fish." Governor Hendricks telegraphed to the Steinway Hall assembly what he thought was the sentiment of Indiana.

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[1] Foreign Relations, 1874, pp. 923, 926, 929, 931, 933.

[2] *The Nation*, Nov. 20, 1873, p. 332.

"Spain," he said, "cannot be permitted to maintain her authority in Cuba by means which civilized nations regard as atrocious, and, in the cause of humanity and good government the United States should now extend their sympathy and power over that island."[1] This undoubtedly expressed the popular feeling from New York City to the Missouri River. War looked imminent and the President authorized the Secretary of the Navy to put our navy on a war footing.[2]

There were, however, some cool heads and better informed that did not approve the general cry. Sumner wrote a letter to the Steinway Hall meeting in his best vein. He deprecated the "war fever" and "the belligerent preparations of the last few days." We should not forget, he said, "that we are dealing with the Spanish nation struggling under terrible difficulties to become a sister Republic and therefore deserving from us present forbearance and candor. Nor can we forget the noble President whose eloquent voice pleading for humanity and invoking our example has so often charmed the world. The Spanish Republic and Emilio Castelar do not deserve the menace of war from us."[3] Although this letter is dated November 15 it was not read at the meeting of the seventeenth.[4] It was intended to produce an effect and might have done so. It must also be said that the Steinway Hall gathering and the general public were not aware of the doubt as to the right of the *Virginius* to carry the American flag and they knew little if anything of Castelar's prompt action and nothing of his expression of profound regret.

Meanwhile Fish was proceeding with caution. On November 12 he informed Sickles confidentially "that grave suspicions exist as to the right of the *Virginius* to carry the American flag" and added, "Investigation is being made." On November 14 he sent by cable to Sickles the demand of our government: "Unless abundant reparation shall have been voluntarily tendered, you will demand the restoration of the *Virginius*, and the release and delivery to the United States of the persons captured on her who have not already been massacred, and that the flag of the United States be saluted in the port of Santiago, and the signal punishment of the officials who were concerned in the capture of the vessel and the execution of the passengers and crew. In case of refusal of satisfactory reparation within twelve days from this date you will . . . close your legation and leave Madrid."[1]

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[1] New York *Tribune*, Nov. 18; *The Nation*, Nov. 27, 1873, p. 345.

[2] Ibid., Nov. 1873, pp. 329, 332; Richardson, vol. vii. p. 242.

[3] Sumner's Works, vol. xv. p. 285.

[4] It was said it did not reach the committee until the 18th, *The Nation*, Nov. 27, 1873, p. 345.

In all these negotiations Fish made but one slip, and that was due in part to a misapprehension of the facts and in part to his failure to make sufficient allowance for the impetuous temper of our minister to Spain. Hearing on November 15 from our acting-consul-general in Havana that the newspapers there reported the execution of fifty-seven more prisoners and that only eighteen would escape death, he repeated the news to Sickles adding: "If Spain cannot redress the outrages perpetrated in her name in Cuba the United States will. If Spain should regard this act of self-defence and justification and of the vindication of long-continued wrongs, as necessitating her interference, the United States, while regretting it, cannot avoid the result. You will use this instruction cautiously and discreetly, avoiding unnecessarily exciting any proper sensibilities and avoiding all appearance of menace; but the gravity of the case admits no doubt and must be fairly and frankly met."[2] Official confirmation of the report of the additional executions was not forthcoming, and within a day or two Fish learned that it was incorrect; but the mischief was already done in inciting Sickles to undue harshness and haste. Sickles proceeded as if war must be had at any price. Castelar promptly sent him word that the report of further massacres was untrue, and later he received an assurance from the minister of State that there had been no executions since the orders of the government had reached Santiago. These statements he chose to regard as "a vague denial," and in all his subsequent actions was seen the influence of his stubborn reliance on the false rumours. He communicated Fish's demand to the minister of State, who, so he cabled to Fish, characterized it as being "without foundation, imperious, arbitrary, compulsory and humiliating." This was not a fair summary of the Spaniard's reply, which, though unnecessarily controversial, was dignified, and ended with a courteous appeal for delay, in order that all the facts should be ascertained. The whole text of the reply, being sent by a special bearer to London and then cabled, did not reach Fish until later so that for a while he laboured under a misapprehension.[1]

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[1] Foreign Relations, 1874, pp. 927, 936.

[2] Ibid., p. 938, see also p. 1071.

Many of Sickles's despatches were of a nature to excite the State department and, if they leaked out, to inflame public sentiment in the United States. His choice of the means for conveying intelligence operated in a like direction. What made for war was cabled; the facts tending to peace were sent by mail. Castelar's ardent and sincere expressions of regret being told in letters, did not reach Fish until November 28 and December 8.[2] On November 19, Sickles telegraphed from Madrid: "Popular feeling runs high here against United States and this legation. Press violent and abusive, advising government to order me out of Spain.

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[1] Foreign Relations, 1874, pp. 939, 945, 947, 949, 951.

[2] Ibid., pp. 923, 924, 931.

Last night a mob was collected to attack and sack the legation. The authorities interfered and preserved the peace."[1]

On the day before this hysterical despatch was sent, Sickles, choosing to regard the reply of the Spanish minister of State as a refusal for reparation, cabled to Fish that he proposed "to close the legation forthwith"; but in the meantime Admiral Polo, the Spanish minister at Washington, had entered into the negotiations. A result of this new development was Fish's telegram to Sickles, "the President holds that the demand for a proper length of time to learn the exact state of the facts is reasonable."[2] Sickles lingered on, but contrived to stretch the meaning of one of Fish's despatches [November 25] to such a point that he felt justified in asking for his passports. Later he withdrew the request; but, the peremptory mood again seizing him, he determined to renew it. This really proved of advantage inasmuch as it gave Fish a pretext for ordering that the negotiations be dropped at Madrid and advising Sickles that they would henceforward be conducted at Washington.[3]

On November 29 Fish and Admiral Polo reached an agreement. The *Virginius* and the survivors of her passengers and crew were to be restored forthwith. Spain was to salute the flag of the United States on the 25th of December next unless she should prove to the satisfaction of our government that the *Virginius* at the time of her capture was not entitled to carry the American flag. Spain was to proceed against such of her authorities as had infringed Spanish laws or treaty obligations.[1]

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[1] Foreign Relations, 1874, p. 954. The minister of State on Nov. 23 authorized the Spanish minister at Washington to "contradict report in reference to hostile manifestations against the American minister. General Sickles is treated with consideration and respect. Some intemperance of language but the monarchical press was promptly silenced by the threat of immediate punishment." p. 982.

[2] Ibid., pp. 951, 955.

[3] Ibid., pp. 958, 960, 963, 964, 966. The differences between Fish and Sickles resulted in Sickles's resignation. Ibid., pp. 973–975.

On December 16 the *Virginius* with the American flag flying was delivered to the Navy of the United States at Bahia Honda, Cuba. In proceeding to New York she encountered a severe storm and sank off Cape Fear. On December 18, the surviving prisoners were surrendered at Santiago and reached New York in safety. The documents in the case were submitted to Attorney-General Williams who decided [December 17] "that the *Virginius* at the time of her capture was without right, and improperly carrying the American flag." The salute to the flag was therefore dispensed with; the Spanish government disclaimed any intent of indignity.[2]

Fish deserves great credit for proceeding in this cool and cautious manner when so many strong men were swayed by the war sentiment of the country. It appears, too, that the President stood behind him at every stage of the negotiations. Earl Granville, England's Secretary for Foreign Affairs, said that Fish's demand for reparation was moderate and just, and this opinion was communicated to Castelar.[3] Castelar prided himself on terminating the incident "without too much damage to the prestige of Spain."[4]

In the process of carrying a subject to its logical conclusion my narrative has often passed over the most important event of the year 1873, — the financial panic which began on September 18 with the failure of Jay Cooke & Co. Nearly all authorities agree that the paramount cause of the panic was excessive railroad construction. The completion of the Union Pacific Railroad in 1869 marked the beginning of the era. Railroads were built out into the western wilderness to open up territory on which grain might be grown to supply Europe. Coal and iron roads were constructed; old railroads increased their facilities by adding either a second track or long sidings. From 1865 to 1868 inclusive, the average annual increment of new railroad had been but a little over 2000 miles. But in 1869, 4953 miles had been built; in 1870, 5690; in 1871, 7670; and in 1872, 6167, making over 24,000 miles in four years.[1] It was an axiom in the iron trade that nothing led to so great a consumption of iron as did the construction of new lines of railroad. The rails themselves represented a large quantity of raw iron, and so did the equipment of the roads — the wheels, axles and other parts of the cars and locomotives. All this was actually fresh use of material, increasing the consumption in a vastly greater degree than did the renewals of old railroads. One of the great enterprises was that of Cornelius Vanderbilt. The existing two tracks of his New York Central Railroad were inadequate to the business available to the road and he reasoned that he must have four tracks, two to be used for passenger trains at rapid speed, and two for freight which, moving slowly but constantly, without interference and waits, would combine economy with despatch. A characteristic of this period was the replacement, by established and financially sound railways, of their old iron rails by new ones made from Bessemer steel; but the old iron, which was taken up, went into consumption as did the scrap from outworn cars and locomotives.

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[1] Foreign Relations, 1874, pp. 970, 987.

[2] President's message of Jan. 5, 1874; Foreign Relations, 1874, p. 1113.

[3] Ibid., p. 959.

[4] Encyclopædia Britannica, vol. xxvi. p. 613. My main authorities for this account are Foreign Relations, 1874; the President's messages of Dec. 1, 1873, Jan. 5, 1874. Richardson, vol. vii. pp. 241, 256. I have also used *The Nation;* Pierce's Sumner, vol. iv.; Sumner's Works, vol. xv.

The 24,000 miles of new railroad construction in four years entailed an enormous business in iron. The country's iron furnaces and mills, all crowded to their utmost capacity, were not sufficient to meet the demand, and pig-iron and rails were imported in large quantities from Great Britain. Activity in one industry breeds it in another. Through iron there was now an induced expansion of every business and manufacture in the country. Part of the earnings of the old railroads was derived from carrying materials for the construction of the new. The transportation on the great inland lakes was affected: vessels had a large amount of business at high freights and this stimulated the construction of new lake carriers. Labourers had full employment, wages were good and immigration was fostered with the result that every cotton and woollen factory and practically every workshop of any kind was busy. In a word, during 1869, 1870 and 1871 business was good in the quiet satisfactory way of large sales at fair prices and moderate profits. In 1872, feverish conditions began to prevail, one symptom being the excessively high price of iron. During that year the average price of No. 1 anthracite foundry pig-iron in Philadelphia was $49 per ton, of iron rails $85, of steel $112, advances over the previous year respectively of $14, $15, and $12.[1] In Pittsburg and Cleveland prices ruled even higher. The demand was active, profits were large, and nearly every iron-master was seized with the desire to expand his works so as to increase his output. These extensions required more iron, and accordingly general business was again stimulated.

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[1] Poor's Manual, 1876–1877.

Had there been sufficient capital in the country to finance the construction of these new railroads and had it been properly applied this extraordinary display of energy in opening up new country for the raising of grain and in providing new ways to bring coal and iron more cheaply and expeditiously to market would have been a boon. But energy outran available means. The active spirits, who were building the roads, had to borrow the necessary money, and theoretically this was to be obtained from the sale of bonds. For a while this plan may have answered; but a large enterprise, such as the construction of a new railroad, needed in the long run the backing of a New York banking-house of large means and undoubted credit. Thus Jay Cooke & Co. undertook to finance the Northern Pacific; Fisk and Hatch, the Chesapeake and Ohio; and Kenyon, Cox & Co., the Canada Southern. They advanced money for the work of construction, and when a sufficient mileage had been built on which to base an issue of bonds they prepared them in the usual manner and endeavoured to sell them to investors. Jay Cooke & Co. had had a large experience in the marketing of government bonds and their scheme of popular subscriptions had brought them celebrity and convinced them of the efficacy of this method for a flotation of securities. Their offer of Northern Pacific 7-30 gold bonds at a price, which yielded nearly 8½ per cent. interest, was advertised everywhere, especially in the religious newspapers. Their operations as government agents, their known energy and high character seemed a guaranty that everything they took hold of would be carried to a successful issue. Many experienced investors must have taken these bonds, but a feature of the flotation was its popularity among clergymen, school-teachers, and others, whose small savings were attracted by the high rate of interest. But time and money were lacking to make this railroad a lucrative enterprise. Jay Cooke & Co., and other bankers as well, had overreached the possibilities of their capital: they had been too sanguine of success in operations that were in advance of their day.

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[1] Iron in All Ages, Swank, p. 391.

From the beginning of this "boom" it was recognized that American enterprise had outstripped American capital and recourse was had to Europe whose financiers were eager to lend. Germany's and Holland's investments in United States governments had turned out so advantageously that their confidence in American securities was unbounded and, except during the period of the Franco-German war, they sought investments in American railway bonds for a part of their surplus capital. England's capitalists had guessed wrong as to the outcome of our Civil War and, lacking confidence in Northern finance, had looked askance at our government bonds, so that they had little share in the golden harvest gleaned from their advance in price as the security became undoubted; now, therefore, they were all the more eager for good railway bonds. From taking the bonds of existing railroads it was but a step to advancing money for the construction of the new and in such an operation there was a great apparent profit. British iron masters had a keen desire for a part of the great American market and many transactions, through their various degrees, were tantamount to an exchange of their rails for American bonds. When Abram S. Hewitt was travelling in South Wales he found "that the vilest trash which could be dignified by the name of iron went universally by the name of the American rail" and by this was meant rails destined to be shipped to America.[1] Later the English promoter might well have said that the rails were as good as the bonds, in view of the many defaults in interest after 1873; but when the rails wore out after a brief use, or broke causing fatal accidents, the American may have thought he had the greater reason to complain.

There was no end to American schemes; there would in time have been an end to European money but, fortunately for England, Germany and Holland, a sharp financial panic in May 1873 on the Vienna Bourse warned every European investor and banker that he must watch carefully his commitments and set his financial house in order. The Vienna panic stopped the negotiation in Europe of bonds of new railroads and made difficult the sale of those of companies of established credit. The glut of American railway bonds in Europe forced the New York bankers to carry the new railroads which they backed, by straining their own individual credit. This became increasingly difficult. Money was tight in the autumn of 1872 and ruled high. In better supply during the following winter and spring it was fairly easy on call during the early summer of 1873. But securities were carefully scrutinized and at times the lowest quoted rates were to be had only with government bonds as collateral. For new enterprises, for legitimate trade even, there was a perceptible gradual hardening of rates and a diminution of the money supply. Such were the principal developments in the situation up to the end of August 1873.

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[1] Hewitt's report cited in *The Nation*, April 7, 1870, p. 221.

At that time it is not surprising that business men and bankers did not foresee what was coming. Prosperity was written all over the face of things. Manufacturers were busy, workmen in demand; streets and shops were crowded, and everywhere new buildings going up. Railroad earnings as compared with 1872 showed a gratifying increase. Prices of commodities were high, demand pretty good; everybody seemed to be making money and nobody suspected for a moment that he was living in a fool's paradise. For the basis of all this activity appeared to be sound. The wheat crop was large and the product of corn, though smaller than that of the previous year, was nevertheless fairly good. The best authorities reported that the supply of breadstuffs in Europe would be short and that there would be a ready demand at high prices for every available bushel of our exportable cereals.[1] Wheat had begun to move and the old corn was coming forth; it was feared that the capacity of the railroads and ocean steamships would be insufficient to carry the freight that was offered them. It was estimated that the cotton crop would exceed four million bales (then a large product) and for this the demand in Europe was of course constant. If prices were high, it might be asked, were they abnormal? Transportation was the sure gauge of activity and was not Cornelius Vanderbilt, the greatest captain of industry, paying $120 per ton for steel rails for his four-track road? Would this far-seeing man make such preparations at so high a cost unless he believed existing conditions permanent? Money it is true was tight but this was surely an indication of prosperity: it was due to the demand of the West and South for their New York funds in order to move the crops. Late in the autumn, the greenbacks and other currency would return to the money centre having been advantageously employed in sending our surplus products abroad, and thereby reducing our foreign debts and enhancing our credit. Such reasoning looked plausible enough in August 1873.

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[1] *Commercial and Financial Chronicle*, Sept. 13, 1873.

The fact is there had been overtrading — an excessive conversion of circulating capital into fixed capital — but the financial history of our country shows that it is extremely difficult for bankers and traders to know when the danger-point has been reached. They know too well that the tide "taken at the flood leads on to fortune" and if this be

> "Omitted, all the voyage of their life
> Is bound in shallows and in miseries."

Or as they might express it, The croakers and calamity howlers never achieve success. And now the optimists were at the helm and did not know that the tide had turned.

Money grew closer. One unfavourable bank statement followed another. "Very unfavourable" was that of September 6. Money on call was 7 per cent. and one-sixteenth premium. Commercial paper sold at 9 to 12 per cent. During the week from September 8 to 13 there were a number of failures which "had a bad effect upon the street" causing an "unsettled feeling and want of confidence."[1] Nevertheless the failure of Jay Cooke & Co. on September 18 came like a thunderbolt from a clear sky. "The first announcement on Thursday that they had suspended was received with almost derisive incredulity on the part of the mercantile public."[2] But when it was known to be an actual fact, the Stock Exchange was seized with frenzy. There was a general rush to sell stocks, but buyers were exceedingly scarce. Western Union Telegraph, "the leading fancy in the market" fell from 89 to $54\frac{1}{4}$; New York Central "the *pièce de résistance* of the Stock Exchange" from 104 to 89.[3] Next day was announced the failure of the banking house of Fisk and Hatch which was believed to be "one of the richest and soundest" in New York.[4] The names of eighteen other firms, unable to stand by their contracts, were read off that day in the Exchange.[5] The panic terror in Wall Street caused general distrust throughout the city. A run began on the Union Trust Co., a "Vanderbilt" institution, and on the Fourth National Bank. On Saturday morning the Union Trust Co. and the National Trust Co. suspended and the National Bank of the Commonwealth failed. The excitement on the Stock Exchange was intense; prices declined rapidly; offers were many but no one dared to bid. The Governing committee met at about eleven and decided to close the Exchange at once until further notice.

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[1] *The Nation*, Sept. 18, p. 200.

[2] *Commercial and Financial Chronicle*, Sept. 20; see *The Nation*, Sept. 25, p. 216.

[3] *Commercial and Financial Chronicle*, Sept. 20, 27; Horace White, *Fortnightly Review*, June 1876, p. 811.

[4] *The Nation*, Sept. 25, p. 216.

[5] Ibid.; *Harper's Weekly*, Oct. 4.

In the meanwhile the Clearing-House Association devised a measure of relief. It decided to issue to banks, on application, clearing-house certificates to the amount of 75 per cent. of the face value of their bills receivable or other securities subjected to a proper scrutiny, or at par on United States bonds or gold certificates. These clearing-house certificates might be used at the clearing-house in the settlement of balances instead of greenbacks, then the medium in which the differences were paid. Ten million dollars of them were authorized and issued. The design was to help the weaker banks, the failure of which might produce utter derangement even to the point of overturning the stronger. "I am not aware," writes Horace White, "that this device was ever before resorted to as a means of ballasting commerce against the temporary effects of a panic."[1]

On Sunday [September 21] President Grant and his Secretary of the Treasury, William A. Richardson (who had succeeded Boutwell) were in New York and had a conference at the Fifth Avenue Hotel with a number of the leading business men and financiers of the city. They were urged to issue a part or the whole of the so-called reserve of $44,000,000 of greenbacks which had been retired and cancelled by McCulloch. Boutwell on three different occasions had reissued small amounts of it to meet the current expenses of the government[2] but these had been withdrawn from circulation and the "reserve" was now intact. "I happened in New York on that Sunday," said Senator Morton, "and saw the crowds of bankers, brokers, capitalists, merchants, manufacturers and railroad men who throughout that day thronged the halls, corridors and parlors of the Fifth Avenue Hotel, beseeching the President to increase the currency by every means in his power, and declaring that unless the government came to the rescue nothing could save the country from bankruptcy and ruin."[1] The President refused to trench upon the reserve for the purpose of easing the money market but he decided to purchase bonds with the other surplus greenbacks in the Treasury.

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[1] The *Fortnightly Review*, June 1876, p. 812. But see *Commercial and Financial Chronicle*, Oct. 11, 1873, p. 478.

[2] *Cong. Record*, Jan. 16, 1874, p. 704.

The week [September 21–27] that followed was one of intense gloom. The Stock Exchange remained closed. On Tuesday Henry Clews & Co. suspended and next day the conservative banking house of Howes and Macy. The hoarding of money, the inevitable accompaniment of financial panics, had begun immediately on the failure of Jay Cooke but this time it was greenbacks and national bank-notes that were laid away instead of specie as during previous panics. The fear that the banks would not redeem their notes did not exist. Nobody went to a national bank to demand the redemption of its bills; but large numbers drew out their deposits in greenbacks or the bills of any national bank and these they hoarded. Partly in order to discourage this practice, and partly because of sheer lack of funds, the banks on September 24 "ceased paying large cheques at their counters but certified them 'good through the clearing-house.'"[2] Small cheques were cashed as usual. On the same day the Clearing-House Association authorized ten million dollars more of clearing-house certificates, and these were put out making the issue twenty millions. Meanwhile the government, having purchased about $13,000,000 of bonds had reached the end of its tether and stopped this mode of relief.[1] Most of the greenbacks thus paid out for bonds went into the Savings Banks and did not help Wall Street but the moral effect was great. The withdrawal of currency from the National Banks was succeeded by a run or a quiet drain on the Savings Institutions, and while most of these had required the 30 or 60 days' legal notice from their depositors, the actual possession of a goodly amount of greenbacks was a tower of strength. Towards the end of the week 3 to 5 per cent. premium was paid for currency.

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[1] March 23, 1874. *Cong. Record*, p. 2354. Morton urged on the President the issue of the whole 44 millions to relieve the money market. Foulke, vol. ii. p. 317.

[2] H. White, p. 813.

The effects of the Jay Cooke failure and the efforts to mitigate them were much the same in most of the other cities of the country as in New York. It was soon understood that a commercial crisis had come, not a mere Wall Street panic. The banks had the same difficulty in getting currency and keeping it; they found it impossible to take care of all their customers and were obliged to let some of the more solvent go to protest. Good two-name paper brought as high as 2½ per cent. per month. Rich men were embarrassed in paying their personal bills. Most of the Savings Banks took advantage of their legal protection and required sixty days' notice before paying their depositors.[2]

The Jay Cooke failure caused a veritable paralysis in the industrial regions of Pennsylvania, western New York and the middle West. The wheels did not all stop at once but customers could not pay for the goods which they had ordered, and, most serious matter of all, manufacturers and proprietors of coal mines could not obtain the currency to pay their men. Arrangements were made with the banks to pay them in part; for the balance some issued store-orders, some shinplasters or evidences of credit. Chicago, being the great mart for grain, beef and pork was of all cities the best off, inasmuch as her produce would always fetch money. Currency flowed thither and her banks did not resort to the device of clearing-house certificates; but, because of the scarcity of small notes, her municipal government issued five and ten dollar shinplasters.[1]

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[1] Report of Secretary of Treasury, Dec. 1.

[2] There was at least one notable exception in Cleveland.

On Tuesday [September 30] the Stock Exchange reopened having remained eight days closed, an event unparaleled in its history. No great excitement attended the operations of the board. The banks were issuing no more clearing-house certificates and, although the rate for money on call was 7 per cent. and upwards, and on commercial paper 15 to 18 per cent. they now felt able to cope with the situation. On October 13, the National Trust Co. resumed business and it was expected that the Union Trust Co. would soon do likewise.[2] The financial panic, properly defined, was over.[3]

The course of the panic emphasizes the truth of my statement at the outset that its prime cause was the excessive railroad building — the putting into roadbed, rails and equipment a large part of the circulating capital of the country and all the money that could be borrowed abroad. But other influences may have served to hasten this panic of 1873, which according to the cyclic theory came four years before it was due. One of these was the waste and impoverishment contingent upon the prosecution of the Civil War;[4] another, the immense destruction of property by the great fires of Chicago and Boston.

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[1] H. White, p. 813; *Harper's Monthly*, Dec. 1873, p. 129.

[2] It resumed Dec. 1.

[3] My authorities for this account are the *Commercial and Financial Chronicle; The Nation;* Horace White in the *Fortnightly Review*, June 1876; Appletons' Annual Cyclopædia, 1873; Hyndman, Commercial Crises of the Nineteenth Century; *Harper's Monthly*, Dec. 1873; *Harper's Weekly*, Oct. 4, 1873; Dewey, Financial History.

[4] Stanwood lays stress on this writing, "A truer and more philosophical view of it [the panic of 1873] is that it was a direct, though long postponed, consequence of the waste and impoverishment of the war period itself." American Tariff Controversies, vol. ii. p. 142.

On the evening of Sunday October 8, 1871 a stable on the West side of the river in Chicago took fire, and, as the buildings in that quarter were mostly of wood and lumber yards were near by, the fire, fanned by a stiff southwest gale, was soon beyond the control of the fire department and at midnight leaped across the river to the South side, working destruction among stores, warehouses, public buildings, churches, hotels and theatres. Again crossing to the North side of the river it swept clean that comfortable and stately residential quarter as far as Lincoln Park. The fire raged for twenty-four hours and burned over an area of 2100 acres, covering four to five miles from north to south, and one to one and a half miles from east to west; 17,500 buildings were destroyed and 100,000 people rendered homeless. The loss of life was about 250, of property 200 millions.[1]

On Saturday evening November 9, 1872 a fire started at the corner of Kingston and Summer streets in Boston and raged all night and next day, destroying nearly all the buildings in the district bounded by Summer, Washington, and State streets and the water front, an area of about sixty-five acres. The money loss was about 73 millions.[1]

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[1] Chicago and the Great Conflagration, Colbert and Chamberlain; Appletons' Annual Cyclopædia, 1871; Andrews, The Last Quarter Century, vol. i. *The Nation* said Oct. 12, 1871: "At the close of business on Monday [on the New York Stock Exchange Oct. 9] a gloomy atmosphere, an undefined sense of dread and terror, overhung the entire financial community and the ablest, calmest, most conservative did not hesitate to express their fear that the catastrophe of Chicago will prove but the beginning of widespread financial and commercial difficulty. . . . The destruction of so large an amount of property at Chicago has a most disastrous effect, and tends to destroy credit in every direction and to precipitate a panic." My own recollection from the business point of view in Cleveland coincides with this statement. There was great excitement on that Monday, as fragmentary despatches came through with difficulty, telling of the progress of the fire in destroying well-known buildings on the South side. This was succeeded by an intense gloom as at noon the cannon boomed out its mournful call for a meeting of citizens on the Public Square for the purpose of raising money for the relief of the unfortunate sister city. As we have seen, the fears of the business community were not realized. *The Nation* said Oct. 19, "The panic produced in financial and commercial circles by the Chicago fire has subsided."

Another cause assigned for the panic was the state of our circulating medium. "I reject," writes Horace White, "the notion that the currency, irredeemable though it be, was any considerable agent in bringing on the crisis. . . . Irredeemable currency has sins enough of its own to answer for without loading it with transgressions in no way peculiar to it, and having an entirely different parentage."[2] This is probably true, but it is also a fair presumption that if the country had been on a specie basis, the panic might have been postponed. In December 1871 gold touched $108\frac{3}{8}$, a decline of 40 from the high point of December 1865; and it seems to me that clever financing should have brought gold to par during 1871. "One-tenth of the money we have used to pay the public debt not due would have brought us to a specie standard," declared John Sherman in the Senate on January 16, 1874. "No one supposes that under an ordinary state of affairs the currency of the country — the greenbacks — need be reduced below three hundred millions to bring us to a specie standard. . . . That would be a reduction of $56,000,000. Fifty-six millions of the money that we have applied to the payment of the debt not yet due would have brought all the remaining greenbacks up to par in gold, would have made our bank-notes convertible into the standard of gold, and we would have had, almost without knowing it, specie payment — a solid, safe and secure basis. . . . Thousands of men who have been ruined by the false ideas that have sprung from this fever-heated, depreciated paper money would be now useful, able and successful business men, instead of being ruined by bankruptcy."[1] If McCulloch had been supported by Congress and if his policy had been continued during Grant's first administration or if Sherman's plan, differing though it did from McCulloch's, had been adopted in its entirety, it is highly probable that resumption might have been reached in 1871 and been afterwards maintained. In that event the active demand for money during the autumn of 1872 would have brought gold to this country from Europe and been available for settling balances and as a reserve. Indeed, after the failure of Jay Cooke, a considerable movement of gold from England to the United States took place, so that the Bank of England made successive advances of its rate of discount from 4 to 9 per cent. to check it; but, because of its greater value than the paper money, the gold could not enter into circulation and so afford relief in this most desirable of all forms.

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[1] Appletons' Annual Cyclopædia, 1872. The fire got speedily beyond the control of the Fire Department whose operations were hampered by the prevalence of the epizoötic. *The Nation* of Nov. 14 spoke of "the destruction of sixty acres of such warehouses and stores as no other city on the continent could show. . . . In their warehouses the merchants of Boston have of late been accustomed to take a pride, and many a line of solid and handsome buildings attests the dignity of the 'solid men of Boston.' . . . Now there is nothing but rubbish remaining of the many hundreds of granite and iron structures in which the dry-goods merchants, wool merchants and leather merchants . . . carried on trade. . . . Trinity Church, the Mercantile Library and the Merchants' Exchange went down but the famous Old South Church was saved."

Phillips Brooks wrote in a private letter on Nov. 12, 1872 : "Last Saturday night and Sunday were fearful. For a time it seemed as if the thing would never stop so long as there was anything left to burn. Everybody has suffered, almost everybody severely. Very many have lost all. . . . It began about eight o'clock Saturday evening and hour after hour it went on growing worse and worse. Street after street went like paper. There were sights so splendid and awful as I never dreamed of and now the desolation is bewildering. . . . It is pitiable to see the rich men who have been reduced to poverty in a night." Life, vol. ii. p. 67.

For the effect on the New York Stock Exchange see *The Nation*, Nov. 14.

The two fires in Chicago and Boston were the largest ever known in this country and had a profound effect on business thought as introducing a new element of risk into affairs. The flimsy, wooden buildings on a prairie, subject to high prairie winds, had explained the Chicago fire, but now the granite and iron buildings of Boston likewise succumbed to the devouring element.

[2] *Fortnightly Review*, June 1876, p. 824.

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[1] *Cong. Record*, p. 701.

Though the Wall Street panic was over, the commercial crisis continued. The impetus of good business had been such that railroad earnings for October had not been affected but they fell off materially in November. In the general paralysis, receivers of goods could not pay the freight which was generally settled in cash and a system of credit was established in accordance with which the railroads took their customers' cheques and withheld them from deposit until notified that they could be paid. On November 1 a number of railroads defaulted in the payment of the interest on their bonds. Every solvent consumer curtailed his purchases and those whose credit was not above suspicion could no longer buy. Hence resulted a closing of cotton and iron mills and other manufacturing establishments. Labourers were thrown out of employment and their purchasing power ceased. Economies of all sorts were practised. Commodities were plenty and money scarce. Failures outside of Wall Street began. The Spragues of Providence failed with liabilities of over eleven millions, a larger debt than was owed by the State of Rhode Island and all its cities and towns taken together. H. B. Claflin & Co. of New York, the largest wholesale dry-goods house in the country asked and received from their creditors an extension of four and a half months. The paper of the California and Texas Construction Co., who were engaged in building the Texas and Pacific Railroad, went to protest; and what gave this a national significance was that, together with the endorsement of a number of Pennsylvania financiers and railroad men, it bore that of Thomas A. Scott the first Vice-President of the Pennsylvania Railroad and the ablest railway manager in America. Before the panic Scott had been among the most sanguine. It was rumoured that the Pennsylvania Railroad would be obliged to pass its regular semi-annual dividend: this did not prove true but the company was forced to pay it in scrip that was made redeemable on March 1, 1875.[1]

These failures and extensions are an example of what went on all over the country. One failure led to another for suspicion and dread hung over the whole business community. Meetings of creditors were frequent. The balances struck by traders and manufacturers on January 1, 1874 were dismal reading. How shall we pull through the year? was the anxious inquiry of some. Those whose solvency was undoubted saw their anticipated profits of 1873 melting away. Their surplus, instead of being in money or good bills receivable, was largely in notes and accounts that were impaired or quite worthless.

The aftermath of the panic of 1873 was of long duration. No genuine revival of business took place until 1878.[2] The mercantile failures for 1873 and the three years following were $775,000,000; the railway defaults up to January 1, 1876, $779,000,000 of which $226,000,000 of such defaults had occurred before the September panic began.[3] These five years [1873–1878] are a long dismal tale of declining markets, exhaustion of capital, a lowering in value of all kinds of property including real estate, constant bankruptcies, close economy in business and grinding frugality in living, idle mills, furnaces and factories, former profit-earning iron mills reduced to the value of a scrap heap, labourers out of employment, reductions of wages, strikes and lockouts, the great railroad riots of 1877, suffering of the unemployed, depression and despair.

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[1] *Commercial and Financial Chronicle*, Nov. 1, 8, Dec. 13; *The Nation*, Nov. 6, 13.

[2] It is frequently stated that the revival did not take place until 1879 and so it generally appeared at the time to men engaged in affairs; but a close study of business transactions and of trade statistics warrants the statement in the text.

[3] *Commercial and Financial Chronicle*, Jan. 22, 1876, Jan. 20, 1877; *The Nation*, Aug. 3, 1893. Arthur T. Hadley writes: "The '*Railroad Gazette*' of Sept. 27, 1878 furnishes statistics concerning forty-five roads dealt in by the New York Stock Exchange and in soundness presumably above the average of those in the country. The aggregate value of these roads at their highest prices in 1873 (reduced to a gold basis) was $567,000,000; at the lowest prices of the same year it had fallen to $380,000,000; while in September 1878, it was still only $460,000,000. Still more to the purpose are the

The assembly of Congress in December 1873 was hailed with delight as the country looked to it for financial relief. Over sixty different remedies embodied either in petitions or bills were presented to the Senate; all these were referred to the Committee on Finance, at the head of which was Sherman, a master mind in finance and an accomplished statesman.[1] On December 15 a resolution from the majority of the committee looking to the resumption of specie payments and one offered by Ferry of Michigan hinting at an inflation of the paper currency brought the subject before the Senate and for nearly four months the debate went on. The consideration of various bills was finally resolved into a discussion whether the actual greenback circulation should be increased by act of Congress. As to the additional amount there was a difference among the "paper money trinity" as Thurman called Morton, Logan and Ferry.[2] Ferry desired an increase of $100,000,000 whilst

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figures concerning foreclosures furnished at the beginning of each year by the 'Railway Age.' In 1876 they were sold under foreclosure (this term being apparently used in a rather wide sense), 3846 miles of road representing $218,000,000 of capital; and in the four years succeeding 3875, 3902, 4909, 3775 miles of road representing investments of $199,000,000, $312,000,000, $243,000,000, and $264,000,000 respectively [total, $1,236,000,000]. One-fifth of the railway investment of the country sold under foreclosure in these five years of settlement!" — Lalor's Cyclopædia, vol. iii. p. 41.

[1] The other members were Morrill of Vermont, Scott, Wright, Ferry of Michigan, Fenton and Bayard.

[2] April 6, 1874. *Cong. Record*, p. 2833.

Morton would for the present be contented with the reissue of the whole so-called "reserve" which would put into circulation $44,000,000 greenbacks more than were out on the day that Jay Cooke & Co. closed their doors.

Before Congress met, however, and afterwards while the Senate was deliberating, Richardson, the Secretary of the Treasury, was inflating the currency on his own account. As a result of the September panic the revenue of the government had fallen off and to make up the deficit and provide for his current disbursements, he reissued during the first ten days of October, 1873 three or four millions of the greenback "reserve." As this seemed an easy way to finance the government he kept the printing presses going until by January 10, 1874 he had reissued a total of 26 millions and the greenbacks outstanding amounted to $382,000,000.[1] When this action was questioned in the Senate Boutwell came to the support of his successor in the Treasury Department. He had himself, he said, while Secretary issued on three different occasions a small portion of the 44 millions and McCulloch had once in a small way availed himself of the same expedient.[2] Boutwell had believed his action legal and so had the Attorney-General. He had informed the Committee on Finance of the Senate and the Committee of Ways and Means of the House of his action and these committees and Congress had given a silent consent.[3] Sherman's matured opinion was contrary to Boutwell's. "I submitted to the Senate a formal report," he said, "which denied his [Richardson's] power to issue the $26,000,000 and from the beginning to the end of this controversy I have held that that $26,000,000 was unlawfully issued and I now assert it again."[1] "No man believes more firmly than I do," declared Thurman, one of the best lawyers in the Senate, "that the Secretary of the Treasury misunderstood the law when he issued this $26,000,000. I have never seen a legal question upon which my mind was clearer than that;"[2] and Schurz who had a remarkable power of assimilating sound legal doctrine arrived at the same conclusion.[3] The dicta of these three senators, supported as they were by a mass of trained and competent opinion in the Senate, may be regarded as decisive.[4] No one questioned Richardson's honesty or good intentions and of course he acted with the authority of the President; but to repose in one man the power of thus inflating the currency was monstrous. Skilled financiers like McCulloch and Sherman as Secretaries of the Treasury would have rejected the thought of such an operation, yet the incompetent Richardson, with no real warrant of law and only doubtful precedents, made of every man's business his football.

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[1] *Commercial and Financial Chronicle*, Oct. 11, 1873; Sherman, *Cong. Record*, Jan. 16, 1874, p. 700.

[2] Boutwell was hardly candid in the endeavour to support his and Richardson's method of finance by the authority of McCulloch. One of Boutwell's increases was 5 millions in Oct. 1872, made, however, by Richardson, while the Secretary was absent; another was $1,500,000, see S. E. D., 42d Cong. 3d Sess. Nos. 42, 275, *Cong. Record*, 1874, pp. 2449, 2450. The only increase that McCulloch made, unless the amount was paid back within the current month, was in Jan. 1867, the amount being $929,000.

[3] *Cong. Record*, p. 704. Boutwell restored the amount of his several reissues so that at the beginning of Richardson's administration and also on the day that Jay Cooke failed the amount outstanding was 356 millions.

That Sherman and Thurman of Ohio and Schurz of Missouri, a Republican, a Democrat and an Independent should be found thus arrayed against the "paper-money trinity" was a significant fact. The East with its greater capital and more stable conditions found adherence to sound financial doctrine comparatively easy, while the West, which was largely in debt to the East and Europe, found it very difficult. Western business men and manufacturers were clamouring for more money and were entirely satisfied with the "battle-born, blood-sealed" greenback. Indeed it was the best money they had ever known. Before the Civil War (as I have previously stated), while the country was on a specie basis, little specie, except fractional silver pieces, was in circulation throughout the West. The actual currency was paper bills, badly engraved or printed, easily counterfeited, most of it current in the East only at a discount; and, when the panics of 1837 and 1857 came, a large part of these promises to pay turned out to be worthless. The attractive-looking greenbacks issued by the government could be passed at their face value from one end of the country to the other and when the panic came, men hoarded them and the banks eagerly accumulated them because they were a legal-tender and invariably good. It is hardly surprising, then, that Western men, as they contrasted this with their former wild-cat currency, forgot that the greenback was a promise to pay and thought it was actually a dollar. In this time of stress, when they were struggling to meet their promissory notes, striving by all means to keep the wheels of their factories turning, and even anxious about their means of living, they naturally urged their senators and representatives to afford them the supposed relief so easily in their power. Sherman, Schurz and Thurman, all able men, feeling that they had constituents as well as brother senators to convince, informed their speeches during this session with a force and earnestness that might have been lacking had they lived in a community thoroughly at one with themselves.

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[1] April 6, 1874, *Cong. Record*, p. 2825, see also p. 700.

[2] March 26, ibid., p. 2484.

[3] March 25, ibid., p. 2442.

[4] See also Garfield's remarks in the House, April 9; Works, vol. ii. p. 179.

"I say to senators," declared Sherman, "that if now, in this time of temporary panic, we yield one single inch to the desire for paper money in this country, we shall pass the Rubicon, and there will be no power in Congress to check the issue. If you want forty millions now, how easy will it be to get forty millions again. If you want one hundred millions now, convertible into three sixty-five currency bonds, how soon will you want one hundred millions more? Will there not always be men in debt? Will not always men with bright hopes embark too far on the treacherous sea of credit? Will there not always be a demand made upon you for an increase? And when you have passed the Rubicon where can you stop? Where our ancestors stopped at the close of the Revolution; where the French people stopped in the midst of their revolutionary fervor!"[1]

"Business," argued Morton, "cannot be revived successfully on the old volume of currency. The wants of the country have been growing. There has been a growing stringency for the last four or five years. While the volume of currency has not been increased the volume of business has, and this stricture has been increasing from day to day. . . . Congress ought to declare the issue [of greenbacks] legal up to the aggregate amount of four hundred millions. The increase of the circulation to meet the demands of increasing business wealth and population, is not inflation in any reasonable sense. You might as well talk about inflating the population of the country. . . . The paper money issued by one government may be worthless or nearly so, while that issued by another may be equal in value to gold, owing to the stability of that government and the wealthy and prosperous nation it represents. . . . The great business of this generation, and of generations to come, is the development and improvement of our own country, the upbuilding of our industries and the establishment of our independence commercially as it was long ago established politically. Our foreign commerce is a mere bagatelle when compared with our domestic trade; and instead of making the interests and prosperity of the latter depend on the former, I would much prefer to reverse their relations. Our country more than any other ancient or modern possesses the elements of commercial independence, for it is capable of producing nearly all the natural and artificial commodities that enter into the wealth, the comfort and the happiness of nations. That system of finance is best which most promotes our internal growth and development, and under which we have so signally prospered."[1]

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[1] Jan. 16, *Cong. Record*, p. 702.

In reply to some remarks of Sherman, Logan said: "The word 'inflation' is used as a kind of bugbear. . . . Suppose that we who have proved ourselves faithful as we think to the interests of our country . . . call you contractionists and extortionists. Suppose we say that you are trying to contract the currency down to such a point as to allow the banks to practise extortion upon the people of this country. . . . I am in favor of an increase of currency up to the business wants of the people. . . . I am in favor of standing by the $400,000,000."[2]

Thurman pursued the same line of argument as his colleague. "Are we prepared," he asked, "to declare that under a government which our fathers meant should be a hard-money government we now mean, against all the lights of experience the world over, to banish gold and silver from circulation in the country for all time to come, and do the business of the country upon nothing but irredeemable paper, depending for its volume upon the will and caprice of the moment, or upon the views of members of Congress, seeking re-election or aspiring to higher place? I think not. I do not think that all the lessons of experience have gone for nothing. I do not think that all the teachings of political economy are waste paper. I do not believe that we are yet ready for this entire revolution upon so great a subject. And yet I do say that every step that we propose in the way of inflation is a step toward that end, and the question will sooner or later have to be met. Are we to do the business of this country for all time upon a wholly irredeemable paper currency, or are we to have the standard that exists elsewhere throughout the civilized world? For it is of no use to say 'We only propose to increase the currency forty, or fifty, or sixty or one hundred million dollars now.' If you increase it one hundred million dollars now, three years hence there will be another demand for a further increase. The very same arguments will be used; the very same pressure will be brought to bear. Whenever there is overtrading, whenever people become deeply indebted, or whenever people have schemes of speculation which can only be secured by an inflation of the currency that shall turn men mad in the whirl of speculation or in the desire of amassing fortunes; whenever such a state of things comes about, the same agencies will be at work, the same efforts will be made that are being made now, and that are pushing us forward to what I see is likely to be the result — an inflation of the currency that will only aggregate the evils under which we at present labor."[1]

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[1] Feb. 18, March 23, *Cong. Record*, pp. 1594, 2353, 2355, 2358.

[2] March 30, ibid., pp. 2617, 2618.

Schurz was one of the bookish men of the Senate and was at times twitted by his brother senators for his proneness to draw lessons from history and books on political economy. He undoubtedly had this in mind when he put into the mouths of the inflationists words which stated fairly their opinion. This specie standard idea they assert is "mere theory." You who are opposed to more paper currency are "mere abstractionists. We are practical men which you are not; you look into books, but we look into the living, active business of the country; we trust the evidence of our senses; we open our eyes, and we see what is going on, and from what we see we draw our conclusions and upon what we see we build our ideas as to remedies." "I have heard it said on this floor," Schurz continued, "that Adam Smith, John Stuart Mill, Ricardo, and all those who recognized the precious metals as the standard of value and who thought they would remain so, were in fact nothing but old fogies. . . . With the senator from Indiana [presumably Morton] they exclaim, 'Throw theory to the dogs.' . . . They rely upon nothing but the evidence of their senses and how can that lead them astray?

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[1] March 24, *Cong. Record*, p. 2395.

"Some ten or eleven years ago I met in the South an old farmer who was called by his neighbors 'Old Tatum.' He was a practical philosopher of the same kind, who relied upon nothing but the evidence of his senses; and inasmuch as he could but with difficulty spell out a word or two in large print, he had a lofty contempt for book-learning. I liked to talk with the old man and once in conversation I happened to say something about the earth moving around the sun. 'Hold on,' said old Tatum, 'what did you say there? The earth moving around the sun! Where did you get that?' 'Well,' I said 'I got it from the books.' 'There again,' cried old Tatum, and he would fairly roll over with laughter, — 'there again, from the books. The earth moving around the sun! And don't I see every day with these, my own eyes, the sun moving around the earth? Don't I see it rise there in the morning, and don't I see it go down yonder every evening? Ah,' said he, 'you book-men can't fool old Tatum.' What a shining light old Tatum would have been among the new school of political economists here! 'Here I see a difficulty,' he would say; 'there are many persons in the United States who want money; the difficulty is, of course, there is not money enough to go around. What is to be done? Inasmuch as we make money by printing it, let us print more until it will go around.' You might say, 'Mr. Tatum, these bits of money are not proper money at all; they are promises to pay money and the more you print of them the less they will be worth, and the less they are worth the less you can do with them in business; you cannot make the country rich in that way.' Such talk would not trouble old Tatum at all. He would laugh right in your face. 'Do we not call these paper notes dollars?' old Tatum would say. 'Are they not dollars? Cannot I read it with my spectacles in big print upon them, one dollar, ten dollars, one hundred dollars, and is not the country better off when it has fifteen hundred millions of these dollars than when it has only seven hundred and fifty millions of them? Ah, you can't fool old Tatum I tell you.'"[1]

The speeches of these five senators were made on different propositions, but the contest settled down on a measure providing for the reissue of 18 millions more of the "reserve." Sherman on the part of the majority of the Committee on Finance reported a bill, the important section of which legalized the reissue which Richardson had made, by fixing the maximum amount of greenbacks at $382,000,000. This was a compromise between those favouring contraction and those who were opposed merely to further inflation. Sherman himself would have preferred to return to the former limit of $356,000,000; but, as there was no surplus revenue, this could only be attained by the sale of bonds, a project quite out of the question, since neither the Senate nor the country could have been brought to approve it. Sherman's bill was amended so as to make the maximum of greenbacks $400,000,000, which meant a further increase of 18 millions and the reissue of the whole "reserve." This was a compromise between the moderate and extreme inflationists. In three months Richardson had jauntily inflated the currency to the extent of 26 millions: the

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[1] Feb. 24, *Cong. Record*, p. 1726.

Senate was a longer time determining upon a further inflation of 18 millions. The inflationists had a majority in Congress and scored a momentary victory. On April 6 [1874] the 400 million bill passed the Senate by 29 to 24,[1] eight days later the House by 140 to 102. On April 22 it received the unexpected veto of the President.[2]

The country had fully anticipated that the work of Congress would obtain Grant's approval. Two public letters that he had written during the autumn of 1873 and his annual message[3] [December 1] led people to believe that he was not averse to a moderate increase of the currency. They had no conception of his mental disturbance as he grappled with the problem and endeavoured to do what was best for the whole country. His veto of the bill, because of objections to inflation, came therefore as a surprise. Afterwards he told of his trial of soul during those April days when he was trying to come to a decision. "The only time," Grant said, "I ever deliberately resolved to do an expedient thing for party reasons, against my own judgment, was on the occasion of the expansion or inflation bill. I never was so pressed in my life to do anything as to sign that bill, never. It was represented to me that the veto would destroy the Republican party in the West; that the West and South would combine and take the country, and agree upon some even worse plan of finance; some plan that would mean repudiation. Morton, Logan and other men, friends whom I respected, were eloquent in presenting this view. I thought at last I would try and save the party, and at the same time the credit of the nation, from the evils of the bill.

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[1] Sherman, Schurz, Thurman and the hard-money men voted no; Ferry, Logan, Morton and the inflationists, aye.

[2] I have been helped in this account by John Sherman's Recollections, vol. i.; Life of Morton, Foulke, vol. ii.; Appletons' Annual Cyclopædia, 1874; *The Nation;* McPherson's Handbook of Politics, 1874.

[3] Appletons' Annual Cyclopædia, 1873, p. 284; Richardson, vol. vii. p. 244.

I resolved to write a message, embodying my own reasoning and some of the arguments that had been given me, to show that the bill, as passed, did not mean expansion or inflation and that it need not affect the country's credit. The message was intended to soothe the East and satisfy the foreign holders of the bonds. I wrote the message with great care and put in every argument I could call up to show that the bill was harmless and would not accomplish what its friends expected from it. Well, when I finished my wonderful message which was to do so much good to the party and country, I read it over, and said to myself: 'What is the good of all this? You do not believe it. You know it is not true.' Throwing it aside I resolved to do what I believed to be right — veto the bill! I could not stand my own arguments. While I was in this mood — and it was an anxious time with me, so anxious that I could not sleep at night, with me a most unusual circumstance — the ten days were passing in which the President must sign or veto a bill. On the ninth day I resolved inflexibly to veto the bill and let the storm come."[1]

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[1] Around the World with General Grant, J. R. Young, vol. ii. p. 153. Edward Atkinson kindly furnished me an account of an interview with Grant at Chamounix in 1877 in which the ex-President told substantially the same story. This was previous to the words reported by J. R. Young. Judge Hoar also informed me of the circumstance [Feb. 7, 1894]. George F. Hoar spoke of it on the authority of Boutwell and related an interesting interview which he had with Grant when he was considering the subject. Autobiography, vol. i. p. 206. See also John A. Kasson in *Century Magazine*, April 1897 and Creswell's account reported by A. S. Draper, ibid., July 1897. While the bill was pending Edward Atkinson co-operated with a number of men in the endeavour to arouse public sentiment against it. He had a part in the Cooper Institute great anti-inflation meeting, making, according to *The Nation* [March 26] "the speech of the evening — an excellent address in which he completely carried away the audience by the candid, manly and at the same time vivid way in which he put the actual financial situation before them." With others Atkinson organized an enthusiastic meeting of protest in Faneuil Hall and he made an effort by correspondence to excite the hard-money sentiment of the West.

I have not deemed it necessary to consider a provision of the bill which

The veto was a brave and noble act and had far greater consequences than the mere prevention of an issue of 18 million greenbacks. Grant in his veto message made a clear and emphatic declaration that he was unalterably opposed to any inflation of the currency as being "a departure from true principles of finance" and "national obligations to creditors."[1] It was notice to the country and to Europe that we should not part company with the rest of the civilized world in finance but that our endeavour would be to return to the recognized standard. It is the most praiseworthy act of Grant's second administration and, like the Treaty of Washington and the Geneva Arbitration of the first, atones for a multitude of errors.[2]

The discussions in Congress during the winter and spring of 1874 formed an excellent education for the country. Business was no longer so exacting or diversions so frequent that men had not the time to read the debates. They read and pondered. The hard-money senators and representatives had much the better of the argument and their clear and forcible reasoning, sustained as it was by Grant's veto, had a profound influence on the minds of men.

The President's enjoyment of the prestige of his veto was not long nor unalloyed. On May 4, the strongly Republican Committee of Ways and Means made a report to the House[3] on the Sanborn contracts which

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increased the national bank circulation 46 millions and on which Grant laid some stress in his veto message.

An act approved June 20, 1874 fixed the maximum amount of greenbacks outstanding at $382,000,000.

[1] Richardson, vol. vii. p. 269.

[2] *The Nation*, April 30, 1874, p. 278; Life of Bowles, Merriam, vol. ii. p. 230.

[3] The members of the committee were H. L. Dawes, chairman, W. D. Kelley, H. C. Burchard, E. H. Roberts, J. A. Kasson, H. Waldron, L. A. Sheldon, C. Foster, Republicans; J. B. Beck, W. E. Niblack, F. Wood, Democrats. The House according to the *Tribune* Almanac was composed of 195 Republicans, 88 Democrats, 4 Liberal Republicans.

was written by Charles Foster, a Republican, and which furnished the public additional evidence of the looseness of administration in the Treasury Department. The system of collecting certain delinquent revenue, both customs and internal, by moieties paid to informers had met with disfavour and Congress, sitting in 1872, had repealed the provision of the law which authorized these moieties in the internal revenue service;[1] but earlier, during the same session, in a committee of conference, the Senate conferees secured the incorporation in one of the appropriation bills of a provision empowering the Secretary of the Treasury "to employ not more than three persons to assist the proper officers of the government in discovering and collecting any money belonging to the United States whenever the same shall be withheld."[2] By virtue of this provision, Richardson as Assistant Secretary of the Treasury under Boutwell and later as Secretary himself made contracts with John D. Sanborn of Boston, a henchman of Butler's, for the collection of taxes which were said to have been evaded by distillers, railroad companies and others. Such a statute and any contracts under it amounted to utter repudiation of correct administrative practice; and even its requirements were not carried out by Richardson. Indeed the contracts seem to have been made and executed, not in the interest of the government but in order that Sanborn might secure a goodly sum of money from the 50 per cent. fee accorded him. Four hundred and twenty-seven thousand dollars were collected before the business was stopped and Sanborn received his moiety of $213,500 but of this, so he testified, $156,000 were spent in hiring men to look up the cases and in other ways. Butler seemed in some mysterious way to have a hand in the whole affair and it was suspected that these $156,000 were employed to give occupation to men who were useful in maintaining his Machine in Massachusetts. A collateral fact, by some invested with significance, is that in the contest between Dawes and Boutwell for filling Wilson's place in the Senate this Machine was operated in favour of Boutwell who was finally successful. The Committee of Ways and Means cast no imputation on the integrity of either Boutwell or Richardson but they declared that Richardson and two of his subordinates deserved "severe condemnation" for the manner in which they had permitted the act of May 8, 1872 to be administered. The House would undoubtedly have been asked to pass a vote of censure on Richardson had he not resigned his place.[1] His resignation was one good result of the report of the committee, for he was, in the words of Edward Atkinson, a "hopelessly incapable" Secretary of the Treasury.[2] Another benefit was the abolition of the contract system by the so-called anti-moiety law which received the approval of the President on June 22.[3]

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[1] Act of June 6.

[2] Act of May 8, 1872; *Globe*, pp. 1325, 2278, 2716, 2893–2895, 3021, 3053–3055.

In 1872, the preposterous nomination of Greeley prevented a direct vote on the question of confidence or lack of confidence in Grant's administration when otherwise that would have been the issue; but it was patent that, unless the second administration should be an improvement on the first, this question was sure to come sooner or later to the front. The fall elections of 1873 were from this point of view unimportant; nevertheless they were a portent of the future. Ohio elected a Democratic governor and a legislature which returned Thurman to the Senate. Farther west the Grangers, who for a number of years had been organized in a secret order, played a part in the political contests. Their principal aim was to secure "reasonable rates" on the railroads for their farm products and they protested against being made to pay a high rate for the carriage of grain, beef and pork in order to maintain dividends on watered stock, although they admitted that the railroads should earn a fair interest on the cost of their construction and equipment. In co-operation with the Democrats they elected a governor and legislature of Wisconsin, reduced the Republican majorities in Iowa and Minnesota and displayed some strength in Illinois and Kansas.[1]

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[1] The Assistant Secretary and Solicitor of the Treasury also went out.

[2] *The Nation*, Mar. 26, p. 197.

[3] My authorities are H. E. D., 43d Cong. 1st Sess., No. 132; Autobiography, George F. Hoar, vol. i. chap. xxiii.; *The Nation;* Life of Bowles, Merriam, vol. ii. There were two acts, both approved June 22, 1874. One repealed the Contract Act of May 8, 1872 (ch. 393) and the other was "an act to amend the customs revenue laws and to repeal moieties" (ch. 391). Moieties in customs had existed to that time; this act repealed all moieties under customs revenue laws to informers. The moiety provision goes back to 1799 at least. Act of March 2, 1799, § 91.

In the fall elections of 1874 the issue was clearly defined: Did the Republican President and Congress deserve the confidence of the country? and the answer was unmistakably No, although the early contests in Vermont and Maine gave little indication of it. Even Blaine, an acute judge of popular sentiment, failed in his forecast and, as he travelled through the West, gave his hearers to understand that the next House was certain to be Republican and himself its Speaker. Those who may have been inclined to doubts were encouraged by the revival of the song of 1840 "Oh! have you heard the news from Maine?" and the Republicans of Ohio and Indiana went to the polls on their October election day with a certain confidence of success. But the Democrats carried both these States and made notable gains in members of Congress. In November, they elected Samuel J. Tilden governor of New York by 50,000 majority and William Gaston governor of Massachusetts by 7000 and also carried Pennsylvania.

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[1] *The Nation*, July–Dec. 1873, pp. 36, 330; Appletons' Annual Cyclopædia, 1873, p. 622.

The Democrats had won a signal victory, obtaining control of the next House of Representatives which would stand Democrats 168, Liberals and Independents 14, Republicans 108 as against the two-thirds Republican majority secured by the election of 1872. Since 1861 the Republicans had controlled the House and now with its loss came a decrease in their majority in the Senate. It was joyful news that Butler had been defeated in one congressional district in Massachusetts while Professor Julius H. Seelye of Amherst was chosen as an Independent in another. Henry B. Payne, a hard-money Democrat, was elected in the Ohio district containing Cleveland, hitherto always Republican; and Abram S. Hewitt was sent to the House from New York City. On the other hand it was a misfortune that because of the Democratic majority in Missouri, Schurz, almost an ideal senator, should lose his seat; also that William Walter Phelps should not have been returned to the House from New Jersey. About six hundred negroes incensed at Phelps's vote against the Civil Rights bill had supported the Democratic candidate who was chosen by a majority of seven. Despite the overturn in Ohio Charles Foster retained his seat by a majority of 159.[1]

The political revolution from 1872 to 1874 was due to the failure of the Southern policy of the Republican party, to the Credit Mobilier and Sanborn contract scandals, to corrupt and inefficient administration in many departments and to the persistent advocacy of Grant by some close friends and hangers-on for a third presidential term. Some among the opposition were influenced by the President's backsliding in the cause of civil service reform, and others by the failure of the Republican party to grapple successfully with the financial question. The depression, following the financial panic of 1873, and the number of men consequently out of employment weighed in the scale against the party in power. In Ohio, the result was affected by the temperance crusade in the early part of the year. Bands of women of good social standing marched to saloons before which or in which they sang hymns and, kneeling down, prayed that the great evil of drink might be removed. Sympathizing men wrought with them in causing the strict law of the State against the sale of strong liquor to be rigidly enforced. Since Republicans were in the main the instigators of the movement, it alienated from their party a large portion of the German vote.

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[1] The *Tribune* Almanac; *The Nation;* Life of Bowles, Merriam; Life of Blaine, Stanwood; Appletons' Annual Cyclopædia, 1874.

But the elections did not on the other hand mean that the country placed implicit faith in the Democratic party. Many shrank from the contemplation of a rule in which the South might have a preponderating influence. Indeed the sentiment of Republicans, who voted the Democratic ticket or staid away from the polls, in order to punish their party might have been expressed in the words of the old Scotch minister's prayer concerning Charles I, "Laird shak him ower the mouth o' hell but dinna cast him in."[1]

One result of the election was the passage of an act for the resumption of specie payments. It was evident that whatever was contemplated in that direction must be accomplished before March 4, 1875 when the Republican House would cease to exist; for it was certain that no financial measure could be agreed upon by a Republican Senate and Democratic House. The Republicans were sounder on the financial question than the Democrats and it was clear that the policy decided on must be one of party and the party spirit must be invoked to carry the bill embodying it through Congress.

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[1] *The Nation*, Oct. 22, p. 262.

John Sherman fully appreciated this necessity and felt that the business interests of the country demanded a return to specie payments as speedily as possible. When Congress came together in December he set himself assiduously to work; his knowledge of finance and his position as chairman of the Committee on Finance in the Senate constituted him on this question the leader of his party.

He urged the matter at the first caucus and moved that a committee of eleven senators be selected to formulate a bill. This motion prevailed; he was appointed chairman of the committee and Allison, Boutwell, Conkling, Edmunds, Ferry of Michigan, Freylinghuysen, Howe, Logan, Morton and Sargent his associates. Working diligently and in a spirit of mutual concession they soon agreed on a bill, the first section of which provided for the coinage of 10-cent, 25-cent and 50-cent silver pieces to take the place of the paper fractional currency and met with general approval. The third section, the important one and the one over which the caucus committee wrangled, provided for free banking but at the same time for the withdrawal of greenbacks as fast as national bank-notes were issued in the proportion of $80 to $100 until the greenbacks were reduced to 300 millions;[1] it further provided that on January 1, 1879 the government should begin the redemption of greenbacks in coin; and to enable the Secretary of the Treasury thus to resume specie payments, he was authorized to use the surplus revenue and to sell bonds for the purpose of accumulating gold.[1]

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[1] Sherman thus explained this in the Senate, "This section, therefore, by making banking free, provides for an enlargement of the currency in case the business of the community demands it, and in case any bank in the United States may think it advisable or profitable to issue circulating medium in the form of bank-notes under the conditions and limitations of the banking law. Coupled with that is a provision, an undertaking, on the part of the United States that as banks are organized or as circulating notes are issued, either by old or new banks, the Government of the United States undertakes to retire 80 per cent. of that amount of United States notes." *Cong. Record*, Dec. 22, 1874, p. 195.

On December 21 Sherman reported the bill to the Senate, next day it was taken up, discussed, and passed by 32 to 14, almost a strict party vote.[2] The debate was interesting and Sherman, on introducing it, gave a clear exposition of the measure.[3] It met with opposition from Thurman, Bayard[4] and Schurz, who questioned Sherman closely as to whether the greenbacks which were retired under the act might be reissued. Sherman tried to evade this question entirely but owing to the persistence of Schurz was forced to an answer. "Undoubtedly," he said, "until the reduction of the United States notes to $300,000,000 they cannot be reissued. The process must go on *pari passu* until the amount of legal-tender notes is reduced to $300,000,000. Before that time will probably arrive in the course of human affairs, at least one or two Congresses will have met and disappeared, and we may leave to the future these questions that tend to divide and distract us, rather than undertake to thrust them into this bill and thus divide us and prevent us from doing something in the direction at which we aim."[5]

Sherman admitted that the bill was not one which he himself would have framed could he have had his own way undisputed; and indeed this question urged by Thurman, Bayard and Schurz almost proved a stumbling-block in the caucus committee. The inflationists would not have the measure if it provided that these retired greenbacks should be destroyed, the contractionists would not have it if it provided that they might be reissued. Therefore it was determined to leave it an open question. Edmunds believed that under the bill they could not be reissued while Morton thought the contrary; both supported the bill. In the actual working of the law, this much-disputed section proved of small importance. The closing clause of the bill, which was left to Sherman and Edmunds to draw, turned out the efficient agent. "To prepare for and maintain redemption," Sherman said, "the Secretary of the Treasury may issue either a 4, or a $4\frac{1}{2}$ or a 5 per cent. bond, the lowest that he can sell at par in coin," to an amount sufficient to execute the law. "We place in his hands the surplus revenue of the Government. More than that, we here by law declare our purpose, the purpose of a Government and a people that have never violated their obligations when distinctly made, that at this time and date we will do these things which amount to a resumption of specie payments."[1]

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[1] In Dec. 1874, the amount of greenbacks outstanding was $382,000,000, fractional notes $46,000,000, national bank-notes $347,000,000, total $775,000,000.

[2] The yeas were all Republican except Schurz, an Independent. The nays were all Democrats except Sprague, a Republican, and Hamilton and Tipton, Independents.

[3] *Cong. Record*, p. 194.

[4] Bayard was an uncompromising hard-money man.

[5] *Cong. Record*, p. 196.

The "paper money trinity" Morton, Ferry and Logan voted for the bill; Thurman against it; Schurz, though deeming it inadequate, gave it his vote. The passage of the bill by the Senate was decisive. The House passed it by 136 to 98[2] [January 7, 1875] and the President gave it his approval [January 14].

Though Sherman did not wholly like the bill, his tactful management of it in the caucus committee and the fact that he had charge of it in the Senate, caused it to become known as his measure. In not insisting to the point of disagreement on his own particular views provided he got a bill which bade fair to accomplish the result, he showed eminently wise political leadership. He foresaw that the fixing of a date for resumption, and the authority to sell bonds to procure gold, aided by the revival of business — a necessary factor in success and one on which he confidently counted — would under skilful management bring us to specie payments.[1] As Secretary of the Treasury under President Hayes he carried out this compromise measure, effecting resumption on January 1, 1879, justifying the action of his party and winning for himself a place in the front rank of our finance ministers.[2]

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[1] *Cong. Record*, p. 196. The words not in quotation are from a letter of Sherman dated Jan. 10, 1875. Recollections, vol. i. p. 519.

[2] All the yeas were Republicans. About a score of Republicans voted nay; among them were Dawes, E. R. Hoar, G. F. Hoar, H. L. Pierce, Hawley, hard-money men.

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[1] Thurman in the debate stated well the philosophy of a financial panic, the consequent stagnation in business and the eventual revival, *Cong. Record*, p. 197.

[2] Besides the *Cong. Record* my authorities are John Sherman's Recollections, vol. i.; Life of Bowles, Merriam, vol. ii.; Life of Morton, Foulke, vol. ii.; Financial History, Dewey; McPherson's Handbook, 1876.

The Revenue Act of March 3, 1875, increased the tax on tobacco and spirits, added "25 per cent. to the duty upon molasses and sugar of all kinds" and repealed "the 10 per cent. reduction of duty upon manufactured goods made by the act of 1872." Stanwood, American Tariff Controversies, vol. ii. p. 188. No other Tariff Act was passed until 1883.

CHAPTER XLI

Let us now return to the subject of Reconstruction. I have already told the story of the escape of four States [Tennessee, Virginia, North Carolina and Georgia] from usurpatory rule and the re-establishment of the control of intelligence and property. Mention of misgovernment at the South has from the nature of the case been frequent and some references have been made to particular communities; but, to complete the history of Reconstruction, it is now necessary for me to give some account of the redemption of the other seven late Confederate States.

At the November election of 1872 the Democrats of Texas elected a majority of the legislature and all their candidates for Congress; but the Republican governor, having a four years' term of office, held over. Next year they chose Richard Coke governor, but the Republican incumbent and opposing candidate refused, for a while, on a technically legal point to surrender his office. He could not however maintain his authority without the aid of United States troops; these President Grant declined to furnish and Coke was peaceably installed. Entire home rule was re-established. Texas voted for Greeley in 1872 and ever afterwards for the Democratic candidates for the presidency.[1]

The first governor and legislature of Alabama under

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[1] History of Texas, Garrison, p. 296; Why the Solid South, Herbert, Stewart's article, p. 378; Appletons' Annual Cyclopædia, 1872, 1873; *Tribune* Almanac; McPherson's Handbook.

Congressional reconstruction were Republican; twenty-seven negroes sat in the legislature.[1] On the recommendation of the governor, W. H. Smith, the legislature speedily passed acts removing all disabilities from those disfranchised from voting by the State constitution of 1867;[2] every white man thereafter could vote and it is gratifying to record that these laws were favoured by the negro members.[3] But this good feeling was not accompanied by decorum and honesty. The Rev. Mr. Leigh, an English clergyman, who paid a visit to the Montgomery State House in the early part of 1870, was struck with the uncouth postures and nauseous habits exhibited by the negroes in the legislative chamber. He listened to a debate, which would have been ludicrous had it not been sad, on the proposition for an increased grant to the Alabama and Chattanooga Railroad, and he got the idea that all the negro members had been bribed to vote for the bill.[4] Negroes in judicial and administrative offices would have been in any event a source of irritation to the white people and this irritation was increased by the illiteracy of the coloured officeholders. Herbert mentions two county commissioners, three constables and one justice of the peace who signed with their cross-marks necessary official papers. In Alabama a justice of the peace has important judicial authority and this office was held by a number of negroes who had little education or intelligence. Roderick Thomas, a former slave who had picked up a little knowledge since he became free, was first the clerk and afterwards the judge of the criminal court of the city of Selma which had "jurisdiction extending even to capital cases."[5] The corruption in the legislature came largely through the system of aid in the construction of new railroads; the State liberally endorsed the railroad bonds and in some cases loaned these companies State securities. The railroad managers were willing to buy over the legislature and many members were eager to accept bribes. Waste and extravagance accompanied the widespread corruption. The worst swindle was the Alabama and Chattanooga Railroad, a project of Northern men. This line was to be 295 miles long running from Chattanooga to Meridian, Mississippi; at Chattanooga direct connection was had with a railroad to Cincinnati, and at Meridian with one to New Orleans. Properly financed and constructed it might have become a valuable property and its superintendent seems to have been an energetic man but it has left behind it a trail of corruption. The railroad obviously had an insufficient financial basis and the plan was "to build it on the bonds" as ran the parlance of the day. But a corruption fund increases largely the general expenses and the $16,000 a mile which the State granted was insufficient, so that recourse was had to an over-issue of bonds. When this railroad was completed, it should have received from time to time the State endorsement on $4,720,000; as a matter of fact before it was finished $5,300,000 of its bonds had been endorsed; and moreover $2,000,000 of 8 per cent. State bonds had in addition been secured through legislative act as a loan.[1]

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[1] Herbert, Solid South, p. 50. Appleton and Brown say 26; New York *Tribune* about 30; Fleming 27, one in Senate, 26 in House, p. 738.

[2] Acts of Aug. 11, Oct. 8, 1868.

[3] Herbert, p. 50.

[4] Ten Years on a Georgia Plantation, Leigh, p. 288.

[5] Herbert, p. 53 *et seq.*

This is indeed a dark episode of Republican-negro rule in Alabama but there are mitigating circumstances. The Republican governor Smith was responsible for the over-issue of the bonds and though a very careless man he was not corrupt.[2] In 1870 a Democratic governor and House were elected, but the Republican Senate held over. The change brought little betterment, except that corruption and extravagance were on a smaller scale, and this indeed was largely due to the impairment of the State's credit. The Democratic governor, so Herbert writes, carelessly endorsed bonds which constituted an over-issue. His operation lacked the magnitude of that of his Republican predecessor; but, as is frankly admitted by Herbert, his administration was not a success.[1] It must likewise be taken into account that the Republican governments of the South in giving aid to railroads were affected by a disease of the time. Before the Civil War Massachusetts had given her aid to the construction of the Hoosac Tunnel which resulted in her being obliged to shoulder and complete the enterprise [1862–1863–1875]; and at about the same time [1867–1869] that Alabama was embarking on her policy of State grants she loaned $5,000,000 to the Boston, Hartford and Erie Railroad.[2] The Western States it is true had for the most part been cured of State subscriptions for railroad stock and the issuing or endorsement of bonds by the State to assist the railroads in their development of the country; but at this period Western cities, townships and counties were recklessly employing their credit to further the railroad projects of energetic and unscrupulous men. The South, more conservative than the West, was slower to become infected with the State-aid mania and developed the systems of State, county and city grants simultaneously. In both sections it was a business attended with corruption; in the South the corruption was greater and more unblushing than at the West.

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[1] Herbert, Why the Solid South; Appletons' Annual Cyclopædia, 1869–1872; Acts of Sept. 22, Oct. 6, 1868, Feb. 11, 1870; *Commercial and Financial Chronicle*, vol. xx. p. 453, xxi. 322, xxii. 135, 157, xxiii. 55, 225, xxiv. 369, 420, xxv. 186; Poor's Manual, 1880.

[2] Why the Solid South, p. 53.

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[1] Why the Solid South, p. 56. For the political classification see Fleming, pp. 751, 752. Fleming asserts that the endorsement of the over-issue of bonds was by Governor Smith but was not discovered until 1871 "when Lindsay [the Democratic governor elected in 1870] was accused of issuing the bonds. This he flatly denied, and he was correct," p. 601. Fleming admits that Lindsay was a "weak executive."

[2] In 1836 New York gave its credit to the Erie Railway for three millions. In 1845 the State released its mortgage on condition of the completion of the road. (Poor, 1890, p. 120.) Emory R. Johnson, American Railway Transportation, p. 310, says that 19 States first and last gave aid to railroads. Massachusetts was the only one in New England. I do not think New York did anything of the sort after 1865.

In 1872 the Republicans of Alabama elected their governor who, though encountering some opposition and requiring to call to his aid a squad of United States cavalry, secured a legislature dominated by his own party. Affairs then went from bad to worse and the financial condition of the State was aggravated by the panic of 1873. Taxes were high and the State was bankrupt. The debt during the six years of rule under Congressional reconstruction [1868–1874] had grown from $6,848,400 to $25,503,000 including straight and endorsed railroad bonds; in addition there was a floating indebtedness estimated at $2,500,000 and overdue interest estimated at $4,696,000, making a total of $32,699,000. The assessed valuation of property in 1874 was $159,000,000; thus the debt was over twenty per cent.[1] To men of intelligence and property the condition was intolerable and in 1874 they set to work with a determination to redeem their State.

Alongside of the Ku-Klux-Klan there developed the movement described by General Gordon[2] which, according to William G. Brown, is at this day regarded at the South as comparable to the German rising for liberty under the leadership of Baron von Stein.[3] It may be called the movement for liberation. It pervaded the canvass in Alabama in 1874. Conditions were favourable to success. The operation of negro suffrage had consolidated nearly all decent white men into the Democratic or conservative party; and the passage by the United States Senate of a Civil Rights bill, which was substantially Sumner's[1] measure, had intensified the race issue. The Republican or Radical party was composed of about nine-tenths negroes and one-tenth whites. Of these the negroes as a body were ignorant and their moral standard was low; the whites were "chiefly professional politicians and their hangers-on, who live by office, and a few worthy people who have been induced heretofore to act with the Republican party."[2] The Democrats felt sure that the white people of both parties were in a majority over the blacks; a subsequent estimate putting this at 10,000 was not far out of the way.[3] At the North the reaction against the Republican party was in the air and Virginia, North Carolina and Georgia were shining examples to the people of Alabama. In all signs of the times one read the doom of Radical negro-rule, but the Republicans made a desperate attempt to save themselves from defeat. This could be effected only by the intervention of Federal troops, which intervention could be secured only by convincing the northern public and the President that a "reign of terror" existed in the South. An attempt to prove this was made by Charles Hays, a Republican representative from Alabama, in a letter dated September 7, 1874 to Joseph R. Hawley[4] who vouched for him as "a gentleman of unimpeachable honor." Hays wrote, "To-day riots, murders, assassinations and torturings for the purpose of terrorizing the true friends of the Government are more common than they have been at any hour since Lee surrendered to Grant." But aware that generalities would no longer sway popular sentiment at the North, he furnished a bill of particulars of events said to have occurred during July and August. Captain W. P. Billings was shot on the public road because he was a "Yankee" and a Republican; Thomas L. Ivey, an inoffensive, intelligent, hard-working negro, a United States route agent on the Alabama and Chattanooga Railroad, was shot by four unknown men because he was a "nigger and meddlesome in politics"; a Ku-Klux notice with the picture of a coffin was posted up on a sign-board on the cross-roads near Livingston which admonished "all niggers white and black to take warning from the fate of Billings and Ivey"; in Sumter County five negroes were killed for cause unknown; in Russell County a protracted religious meeting of negroes was broken up and many of the coloured people of both sexes were seized on their way home and cruelly beaten and whipped; in Coffee County, during a Sunday-school meeting of coloured men, women and children, a body of white men rode up and opened fire without saying a word, killing two and wounding six; in Choctaw County a number of whites in ambush fired on a party of negroes returning from church, killing ten and wounding thirteen; in Marengo County W. A. Lipscomb, who belonged to a good Southern family, was found dead on the public road having been shot because he was an earnest Republican; and in Pickens County it was a public boast that no white man voted the Republican ticket and lived through the year. Other alleged threats, warnings and murders were set down.[1]

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[1] Herbert, Why the Solid South, p. 66; Fleming, p. 580; Auditor's report and Alabama newspaper cited by *Commercial and Financial Chronicle*, vol. xx. pp. 581–583. In the Report of Committee on affairs in Alabama submitted Feb. 23, 1875 the debt including a floating debt of $3,000,000 is given at $25,895,000 (p. 1304) but this is in a statement attempting to show that the Republican administrations had been more economical than the Democratic. Scott, Repudiation of State Debts, p. 63 gives the debt as $25,464,000, without floating debt or overdue interest. I have given in the text what I consider the most correct estimate without vouching for its accuracy.

[2] *Ante.*

[3] *Atlantic Monthly*, May 1901, p. 639.

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[1] This was passed after Sumner's death. *Post.*

[2] Address of the Democratic State Executive Committee, Oct. 1, 1874, Appletons' Annual Cyclopædia, 1874, p. 13.

[3] Herbert, p. 63. D. M. Matteson has carefully examined the figures of the Censuses of 1870 and 1880 and states that Herbert's guess is a safe one. See also statement of a Montgomery correspondent of New York *Tribune*, Oct. 7, 1874.

[4] General Hawley was then a Republican representative from Connecticut.

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[1] Boston *Daily Advertiser*, Sept. 16, 1874; Appletons' Annual Cyclopædia, 1874, p. 12.

This letter of Hays was extensively printed throughout the North, and undoubtedly persuaded many people that the Southern Democrats had precipitated a "war of races"; it attracted so much attention that the New York *Tribune* sent a correspondent to Alabama to investigate the matter. He, Z. L. W.,[1] went to the bottom of things and made this report: The murders of Billings and Ivey were well authenticated and were political[2] but they were committed by desperadoes and received the condemnation of all respectable people, a condemnation which was sincere and not a screen for a tacit approval; Hays had affirmed that the Ku-Klux notice mentioned in his letter was handed to him by a Democrat but in fact he had gone to Washington before it was posted up — people in Montgomery thought the warning a Republican invention; of the five negroes murdered in Sumter County two met their death for stealing corn, the third in a fracas with other negroes, the fourth accidentally shot himself, the fifth was a woman who was killed by her husband; the reports of the murders in Russell and Coffee counties were denied by men more worthy of credence than Hays; in Choctaw County the blame and the provocation lay with the blacks, a conflict seemed imminent but did not occur, two or three shots were fired but no one was hurt; Hays had affirmed that Lipscomb "was shot to death" but Lipscomb was found to be alive, and denied having been murdered or assaulted or even unkindly spoken to; and in Pickens County white Republicans held office, the United States marshal stated that Republican meetings were advertised and that there were no longer any Ku-Klux in the State. "It will thus be seen," Z. L. W. summed up, "that except the assassination of Billings and Ivey . . . every report included in Mr. Hays's letter that has been investigated — including more than three-fourths of all of them — has turned out to be untrue and that in the majority of cases Mr. Hays knew his statements were lies when he wrote them."[1]

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[1] *The Nation* Nov. 19, 1874 says that his name is White.

[2] The Democratic-Conservative State Executive Committee said, "there is not one scintilla of evidence to show that either was killed by Democrats or for party purposes." Appletons' Annual Cyclopædia, 1874, p. 14. Curiously enough the Republican majority of the select House Committee which investigated political affairs in Alabama did not make an absolutely positive charge. Their words are: Billings and Ivey "were both killed doubtless for their political opinions." The Democratic minority of the Committee deny that the murder of Billings was political but seem to admit that of Ivey might have been. Report No. 262 submitted Feb. 23, 1875, pp. vi, lvi.

A correspondent of the New York *Times*, H. C., came to the same conclusion. No one, he wrote, who comes to Alabama and travels among the people can fail to discover that the statements of Hays and others are untrue in every respect. Visiting all the large cities and travelling extensively in the country he had discovered no trace of a reign of terror but saw negroes quietly at their work with white men as quietly superintending it. There were absolutely no excitement and no fear. Even Hays was allowed to go about peaceably [this was written Oct. 19, six weeks after Hays's letter] making questionable speeches to ignorant and excitable blacks. There was no armed organization of white men in the State and no disposition to maltreat negroes. It was true that white men killed negroes, and negroes white men, but all the crimes were not committed for political reasons.[2] *The Nation* considered the evidence presented by the two correspondents and came to the conclusion that "Hays's story turns out to be a complete tissue of lies from beginning to end."[3] The charges of Hays and other Republicans were indignantly denied by the Democratic State Executive Committee who supported their denial by circumstantial proof.[1] The respectable people of Alabama and the leaders of the movement for liberation were desirous that their followers should avoid all violence, lest it should provoke the President to send troops into their State and alienate from them the favourable sentiment growing in Republican ranks at the North.

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[1] New York *Tribune*, Oct. 12, 15, 17, 1874.

[2] New York *Times*, Oct. 24, 26, 29, Nov. 14, 1874.

[3] Oct. 15, 1874, p. 243; see also Nov. 19, p. 325. The New York *Tribune* had not yet returned to the Republican fold; the *Times* was a firm administration Republican paper; *The Nation* was independent with a Republican leaning.

The Republican governor did not call for troops but the President, moved by the tales of Hays and others, sent (by virtue of the acts of May 31, 1870 and April 20, 1871) 679 soldiers to Alabama in order to insure a fair election.[2] With this support, United States deputy marshals made arrests of alleged criminals, but the potent influence of this small force was its moral effect in emboldening the negroes to vote the Republican ticket. Nevertheless property and intelligence were nerved to a supreme effort, and elected their governor by a majority of 13,000 and won a preponderance of 27 in the legislature; 35 coloured Republican members were returned.[3]

A select Committee of the national House of Representatives investigated this election and the Republican members of it reported that the Democrats won by "fraud, violence, proscription, intimidation and murder." Fraud was a game both parties played at in the South during Reconstruction days. The charges of violence and murder, while the canvass was pending, have been shown to be largely unfounded. But there were riots on election day at Mobile, Eufaula and other places in which the negroes got the worse of it, a number of them being killed; the Democrats maintained that the negroes were the aggressors. Proscription is a harsh word to use of threats to discharge negro labourers for not voting the Democratic ticket and of social and business ostracism of white Republicans; both these methods however were undoubtedly employed and, from the nature of the case, it may be presumed that there was also some intimidation. Touching violence, the Republican members of the Committee, warned probably by the discomfiture of Hays, confined themselves largely to generalities; but the Democrats taking his charges as a text were willing to deal with specific facts and on that account, and because of the general merit of their case, got the better of the argument.[1]

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[1] Appletons' Annual Cyclopædia, 1874, p. 14.

[2] Report of Adjutant-General; circular of Attorney-General, H. E. D., No. 110, 43d Cong. 2d Sess.; Grant's message Dec. 1874, Richardson, p. 297.

[3] *Tribune* Almanac; McPherson, Handbook. On the campaign in general, see Fleming, pp. 791, 795.

No attempt was made by Congress to overturn the result. The Democrats remained in power and in 1875 adopted a new Constitution. Alabama voted for Grant in 1872 but ever afterwards gave her electoral votes to the Democratic candidates for the presidency. "Taxes are low," wrote in 1890 Hilary A. Herbert, an Alabama man and Secretary of the Navy during Cleveland's second administration. "Life, liberty and property are protected by law [of all the people white and black], and foreign capital is coming in. . . . The colored population is progressing everywhere in the State . . . in morality, intelligence and property."[2]

In the autumn elections of 1874, as I have previously stated, the Republicans suffered an overwhelming defeat. Their majority in the present House of Representatives of 115, which was over two-thirds, was converted into a minority of about 65.[3] Their mismanagement of affairs at the South was one of the causes which led to this overturn.[1] The leaders of the radical Republicans, Senators Morton and Conkling, during the campaign, deemed it wise to put the Southern question to the fore, or, as it was popularly said "to wave the bloody shirt." At the New York State Republican convention which was dominated by Conkling the speeches and platform dealt mainly with Southern outrages. Morton in a speech at Indianapolis said that negroes were "hunted like squirrels" and he read the letter of Charles Hays to support his statements regarding Alabama. The Chairman of the Republican State Central Committee of Indiana sent a circular to the Republican newspaper editors of the State suggesting that they give great prominence "until after the election" to the "horrible scenes of violence and bloodshed transpiring throughout the South."[2] Such arguments may have intensified the zeal of some Radicals but they were ineffectual with a mass of people who had determined to punish the Republican party by staying at home or by voting the Democratic ticket.

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[1] See majority and minority reports of Report No. 262 submitted Feb. 28, 1875.

[2] Why the Solid South, p. 66. William A. Scott wrote that with principal and overdue interest, "Alabama's repudiation will not be far from $15,000,000." Repudiation of State Debts, p. 63. The funded and unfunded debt Oct. 1, 1888 was $9,489,500. Poor; *World* Almanac.

[3] The 115 includes 4 Liberal Republicans and 1 Independent Republican. According to the *Tribune* Almanac there were in Dec. 1875, 168 Democrats,

During his second term, until the autumn of 1874, Grant had, for the most part, shown moderation in his policy towards the South but in September through his Attorney-General he directed Federal interference in the elections and troops were stationed at convenient points to assist the United States marshals and attorneys.[3] This action, which was defended by him as his "care that the laws be faithfully executed," was looked upon

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108 Republicans, 14 Liberal Republicans, but by Jan. 1877, 8 Liberals had become Democrats and 3 Republicans. There was also an increase of Democrats through by-elections so that at the beginning of the second session [Dec. 1876] the Democrats had 181, the Republicans 107, Liberal Republicans 3. See also National Conventions and Platforms, McKee.

[1] *The Nation*, Oct. 22, Nov. 12, pp. 262, 312; Life of Bowles, Merriam, vol. ii. p. 232.

[2] *The Nation*, Oct. 15, p. 247; Life of Morton, Foulke, vol. ii. p. 350.

[3] Circular of the Attorney-General, Sept. 3, 1874, President's message, Dec. 7.

by the Democrats and by some moderate Republicans as management for himself and his party. It was bruited about that he desired a third term and was not averse to using his official position to secure the nomination and election. The Democrats maintained that 80,000 office-holders were plotting for this end.[1] For a while it had been thought that the severe Republican defeat had put a quietus to the third-term project; the President's annual message was moderate and did not foreshadow the extreme course to which he afterwards committed himself. On December 7, 1874 he spoke of trouble in Arkansas but stated that, as Congress was investigating it, he had declined to interfere. Exactly two months later the House Committee made their report: Luke P. Poland, the chairman, one other Republican and two Democrats of a committee of five thought that conditions on the whole were at the present time satisfactory in Arkansas and that there was no cause for recommending the interference of the general government. The next day showed that either Grant's ambition agreed with the aim of the Radicals or that the Arkansas carpet-baggers and the rule-or-ruin partisans had got hold of him and were leading him athwart the counsels of the best men of his cabinet.

It should be related that in the spring of 1874, as a sequel to a disputed election of 1872, Brooks and Baxter, — the heads of two Republican factions, — were in armed dispute as to who was the rightful governor of Arkansas. On May 15, the President recognized Baxter as the lawful Executive, and this action restored peace and order.

The carpet-baggers had had control of the State for six years and their administration had been extravagant and corrupt, but Baxter was now friendly to the rehabilitation of the government of intelligence and property.

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[1] *The Nation*, Oct. 29, 1874, p. 225.

With his approval the legislature passed a bill calling a constitutional convention, and the people by a large majority endorsed this action. The convention assembled in July and adopted a new Constitution[1] which was ratified in October [1874] by the popular vote. At the same election the Democrats chose the governor, A. H. Garland, a legislature and the four Congressmen. On November 10 the new legislature assembled and shortly afterwards Governor Garland was installed in his office.[2]

Now on February 8, 1875 the President sent a special message to Congress, expressing the opinion that Brooks had been lawfully elected in 1872, that he had been illegally deprived of his office, that the adoption of the new State constitution and establishment of the new State government was revolutionary and had been accomplished by violence and intimidation; indirectly he made the suggestion that these proceedings be annulled and that Brooks be restored to the office which was rightfully his until January 1877.[3] There was ground for the remark of the Springfield *Republican*, "The English of this message is: Authorize me to make war upon the government and people of Arkansas, in the interest of my third term."[4] The President took direct issue with Poland's committee and exerted his influence against the resolution which they had reported, that "in the judgment of this House no interference with the existing government in Arkansas by any department of the Government of the United States is advisable." But Poland, who was a good lawyer and had been Chief

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[1] The existing constitution was that of 1868.

[2] Poland report, H. rep., 43d Cong. 2d Sess., No. 127; the Testimony, ibid., No. 2; Opinions Attorney-General, xiv. 391–400, May 15, 1874; Grant's three messages and papers of April, May 1874, Feb. 1875, H. E. D., 43d Cong. 1st Sess., No. 229; S. E. D., ibid., No. 51; S. E. D., 43d Cong. 2d Sess., No. 25; Brooks's Memorial, S. Mis. Doc., 43d Cong. 2d Sess., No. 65. The four Congressmen took their seats unchallenged.

[3] Richardson, vol. vii. p. 319.

[4] Life of Bowles, Merriam, vol. ii. p. 238.

Justice of the Supreme Court of his State [Vermont], was equal to the contest and supported his resolution in an able and convincing speech. He said that the change from one constitution to another was not a revolution or usurpation, but as peaceful a movement as ever took place in Vermont or New York. He intimated that the contention was between honest government and a State administration under which "these same men wanted to carry on the swindling practices they had carried on for years" when there had been trouble and turbulence. But now, under the Garland government, everything was as peaceable and quiet as in the State of Massachusetts. Poland carried with him enough of his brother Republicans to adopt his resolution and defeat the project of President Grant. In a House in which the Republicans had a two-thirds majority the ayes were 150 and the noes 81. With Poland voted Dawes, Garfield, Eugene Hale, J. R. Hawley, E. Rockwood Hoar, George F. Hoar, Kasson, Phelps and Pierce, truly a good company.[1]

Governor Garland appointed a day of thanksgiving for this deliverance and in his proclamation displayed gratitude for the support of "the true conservative republican sentiment in the North" and urged the people of Arkansas to prove themselves worthy of the confidence reposed in them by their political opponents.[2]

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[1] *Cong. Record*, March 2, 1875, pp. 2107–2118.

Lucius Q. C. Lamar, then a member of the House, in an interview at Atlanta in 1875, spoke of Poland as "the man who saved Arkansas. He absolutely put behind him a lifelong ambition when he made his protest against Grant's interference. He had for all his life cherished the hope that he might get a certain judgeship. Just before he made his report on Arkansas affairs he became aware that his ambition was about to be realized. He knew that if he made that anti-administration report it would crush his hopes forever. . . . I shall never forget how the gray-haired old hero rose and spoke that which unspoken would have realized the proudest dream of his life." Life of Lamar, Mayes, p. 227.

[2] Appletons' Annual Cyclopædia, 1875, p. 36. Arkansas has never reverted to Republican rule. Grant had carried the State in 1872 but the Democratic candidates for President have won at each succeeding election.

Grant and his radical followers succeeded in getting through the House a stringent Force bill, which, as was truly said, converted the President into "a sort of tawdry Cæsar."[1] It gave him power to suspend the privilege of the writ of *habeas corpus* in Louisiana, Arkansas, Mississippi and Alabama for "two years and from thence until the end of the next session of Congress thereafter."[2] In party caucus, Blaine, the Speaker, Poland, Garfield and Hawley spoke against it[3] but their arguments were unavailing and it was therefore reported to the House. Henry L. Pierce, a Republican representative from Massachusetts, said in what Butler called his "maiden speech," that it was well known that the motive for the introduction of the bill was mainly to achieve party success. "We are told by high authority," he continued, "that one hundred and thirty-eight electoral votes of the reconstructed States rightfully belong to the Republican party; and that if the bill now pending in the House becomes a law it will secure these votes to that party, and otherwise they will be lost."[4] But the personal influence of the President and the party strength wielded by Butler overcame the opposition: the House passed the bill by 135 : 114.[5] Thirty-two Republicans however voted no,[6] and among them were the same ten, whom I have named, as giving their voices against the oppression of Arkansas.[1] A large number of the ayes came from men who had failed of re-election and who looked to the President for their political future and perhaps for their means of livelihood. Grant, always faithful to his friends, rewarded many of them with honourable or lucrative offices.[2]

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[1] *The Nation*, Feb. 18, 1875, p. 108.

[2] This bill is printed in the *Cong. Record* for Feb. 24, 1875, p. 1748. For amendments see p. 1929.

[3] Life of Bowles, Merriam, vol. ii. p. 238; *The Nation*, Feb. 18, 1875, p. 105.

[4] *Cong. Record*, Feb. 27, 1875, pp. 1885, 1905. The *National Republican* the administration organ in Washington ended an editorial in large capitals thus: "The passage of this bill is required to preserve to the Republican party the electoral vote of the Southern States. Remember that if the Democrats carry all the Southern States, as they will if the white league usurpation in some of them is not suppressed, it will require only fifty electoral votes from the Northern States to elect a Democratic President." Life of Lamar, Mayes, p. 213; Life of Bowles, Merriam, p. 239.

[5] Feb. 27, *Record*, p. 1935.

[6] McPherson. Twenty-seven Republicans did not vote; of these 8 were on record as favouring the bill.

The Force bill passed the House February 27; it was read in the Senate a second time by its title but got no further. There was absolutely no chance of its coming to a vote, as the session expired by law March 4.

At this session Congress completed its positive legislation on Reconstruction by the passage of the Civil Rights Act. A little over two months after the death of Sumner [March 11, 1874] the Senate passed [May 23], as a sort of memorial to him, a Civil Rights bill which was substantially in accordance with his ideas but the House did not reach a vote on it before adjournment. Nor did they consider the Senate bill at the next session, but in February 1875 took up one of their own which was reported from the Committee on the Judiciary by Butler its chairman who championed it during its progress through the House. Although Carpenter warned the Republican majority of the Senate that the bill was unconstitutional, they nevertheless passed it and it was approved March 1 by the President. The intent of the act was to secure to negroes equal rights in inns, public conveyances, theatres and other places of public amusement and to prevent them from being disqualified for service on juries; it was weaker than Sumner's original measure in that it did not apply to schools, cemeteries and churches.[3] In 1883 the United States

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[1] The Arkansas vote was subsequent to that on the Force bill.

[2] Life of Bowles, Merriam, vol. ii. p. 239; *The Nation*, March 4, April 1, pp. 141, 213.

[3] Besides the *Cong. Record* and Statutes at Large, see Pierce's Sumner, vol. iv. pp. 499, 581; *The Nation*, March 4, 1875, p. 141.

Supreme Court declared that the 1st and 2d sections of the Act were unconstitutional and void [those applying to inns, etc.]; they held "that the rights which they endeavored to guarantee were not strictly civil rights at all but rather social rights and that in either case the federal government had nothing to do with them."[1]

In accordance with my plan I shall now take up the story of Mississippi. This State remained under Republican rule, the basis of which was negro suffrage, from 1870 to 1875 inclusive. The first Republican governor, James L. Alcorn, was inaugurated March 10, 1870; he had lived in Mississippi twenty-six years, had been an old-line Whig, but in convention had voted for the ordinance of secession; he had been a slaveholder and was now a planter, having saved some of his property from the wreckage of the war which he deplored. In his inaugural address, he professed his unaltered sympathy with his fellow-Southerners and disclaimed any affection for their conquerors; nevertheless he accepted reconstruction and negro suffrage and believed in the right of coloured men to hold office although recognizing that against the laws which secured these rights were arrayed for the most part "the wealth, intelligence and social influence of the State."[2]

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[1] Dunning, *Atlantic Monthly*, Oct. 1901, p. 443; 109 U.S. 3. Justice Bradley delivered the opinion. He stated that the 4th sect. which related to service on Juries had been held constitutional by the Supreme court [in 1879, 100 U.S. 339]. But "Civil Rights," he said, "such as are guaranteed by the Constitution against State aggression cannot be impaired by the wrongful acts of individuals. . . . It is clear that the law in question cannot be sustained by any grant of legislative power made to Congress by the Fourteenth Amendment. . . . This [the Civil Rights law] is not corrective legislation; it is primary and direct." Nor does the refusal of admission to an inn etc. infringe upon the Thirteenth Amendment; and "if it is violative of any right of the party his redress is to be sought under the laws of the State." "Whether Congress in the exercise of its power to regulate commerce amongst the several States might or might not pass a law regulating rights in public conveyances passing from one State to another is a question which is not now before us." See also Pierce's Sumner, vol. iv. p. 582.

[2] Garner, pp. 279, 280.

On the inauguration of Alcorn, the troops with the exception of some small detachments in the larger towns were withdrawn and civil government held sway. Alcorn was an honest man, of considerable ability and of some political experience, and the other administrative officers who had been elected on his ticket, one of whom was a mulatto, were reputable men. The judges were appointed by the governor and, so far as he could find competent men, he named Southern Republicans but owing to the paucity of such material he was obliged to have recourse to Northerners and even Democrats. Integrity, and on the whole respectable ability, might be predicated of the judiciary. The Justices of the Supreme Court were jurists of high repute: two were old citizens of the State, one a Democrat, the other a Republican, and the third an ex-Union soldier from New York, who had come to Mississippi at the close of the war.[1] While the executive and judicial branches of the government were not equal in character to the average at the North yet, had they been backed by an equally intelligent constituency, good government was not only possible but certain. But an examination of the legislature reveals the common blight. Thirty-six negroes were members, most of whom had been slaves. A number could neither read nor write and, when they drew their pay, acknowledged its receipt by making their mark. From out this massive ignorance there rose, indeed, the occasional shape of enlightenment: a coloured minister such as Revels the quadroon; also John R. Lynch layman and mulatto who was a credit to his race and in 1872 made an impartial and dignified speaker of the House.[2] But the aspirations of most of the negroes were as low as their life experience had been narrow.

A few examples will show how the dregs of the constituencies had risen to the surface. The county of which Vicksburg was the chief town sent four negroes to the legislature, that which contained Jackson, the State capital, three; four represented Adams, the county renowned for "its ancient aristocracy, its wealth and culture,"[1] the county seat of which, Natchez, impressed the passing visitor, even after the desolation of war, as an abode of luxury and refinement.

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[1] Garner, p. 283.

[2] Ibid., p. 295.

Negroes, carpet-baggers and scalawags controlled the legislature and "established the public policy of the State."[2] Owing to a section in the State constitution of 1868 which prohibited the loan of the credit of the State to any corporation or the taking of stock therein, there were happily no railroad-aid swindles such as had impoverished North Carolina and Alabama. It was by excessive taxation, by extravagance, waste and corruption in the use of the public money and by an unnecessary multiplication of lucrative offices that the taxpayers were robbed. One scheme of the Republicans which caused much dissatisfaction was however inspired by a laudable purpose, although not executed with wisdom nor in the end, with honesty. This was the establishment of a school system on a scale of expenditure suitable to Ohio or Massachusetts but beyond reason in a poverty-stricken State like Mississippi. The taxation for the support of the schools became burdensome[3] and the Ku-Klux-Klan, who had their period of activity in Mississippi as well as in the other Southern States, directed their operations mainly to the intimidation of school-teachers, who taught coloured children and to the burning of negro schoolhouses and churches. One of these teachers (Miss Allen of Illinois), whose school was at Cotton Gin Port in Monroe County, was visited at the house where she stopped between one and two o'clock at night [March 1871] by about fifty men mounted and disguised. Each man wore a long white robe and his face was covered by a loose mask with scarlet stripes. She was ordered to get up and dress which she did at once and then admitted to her room the captain and lieutenant who in addition to the usual disguise had long horns on their heads and a sort of device in front. The lieutenant had a pistol in his hand and he and the captain sat down while eight or ten men stood inside the door and the porch was full. They treated her "gentlemanly and quietly" but complained of the heavy school-tax, said she must stop teaching and go away and warned her that they never gave a second notice. She heeded the warning and left the county.[1] This is a fair example of the mildest form of Ku-Klux operations but these and the more violent acts, so Lieutenant-Governor Powers, a Republican, testified, were confined to seven counties out of seventy-three.[2] The opposition to coloured schools, he said further, came from those who had formerly been overseers and the lower class, the most ignorant men in the State.[3]

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[1] Garner, p. 270.
[2] Ibid., p. 270.
[3] Ibid., *passim*.

When Alcorn was a candidate for governor, he declared [November 10, 1869] that, "Society should no longer be governed by the pistol and the bowie knife," and next year the legislature on his recommendation passed a stringent law directed against the Ku-Klux-Klan [July 21, 1870];[4] but according to Powers [November 8, 1871] it was impossible to break up the organization by prosecutions in the State Courts while the execution of the Ku-Klux Act of Congress [April 20, 1871] was having "a very salutary effect indeed."[5] What has been previously stated with regard generally to the whole South may be repeated with special reference to Mississippi; the Ku-Klux outrages practically came to an end with the year 1872.[6]

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[1] Ku-Klux report, Mississippi, vol. ii. p. 777.

[2] Ibid., vol. i. p. 583.

[3] Ibid., p. 590.

[4] Garner, p. 342.

[5] Ku-Klux report, Mississippi, vol. i. p. 591.

[6] Garner, p. 344.

Alcorn was elected to the United States Senate and resigned the office of governor to the regret of the intelligent and property-holding people but their apprehensions at the change were groundless, for the lieutenant-governor, R. C. Powers, who succeeded him, won their respect and confidence. Powers was an ex-Union soldier who owned plantations in a number of counties of the State; he was a conservative Republican and an honest man.

All three of the Republican governors of Mississippi were men of integrity. Adelbert Ames, the third, was a native of Maine, and a graduate of West Point; he had served through the Civil War ending as brevet-major-general, and had then been made lieutenant-colonel in the regular army and provisional governor of Mississippi [1868]. In 1870 he was elected to the United States Senate. At Washington, the dissension which had begun between him and Alcorn at home broke into a rupture, so that both felt the need of appealing to the people of their State for approval. Ames in 1873 obtained the regular Republican nomination for governor and Alcorn ran on a bolters' ticket, receiving the support of most of the white Republicans and also of the Democrats, while Ames secured the negro vote and was elected by 19,000 majority.

The new governor sincerely endeavoured to carry out the Reconstruction Acts in the letter and the spirit. He believed that, since the negroes were in the majority, theirs was the right to rule; and he constituted himself their champion, convinced as he was that the white people when in power would override them and deprive them of the right to vote. Nevertheless he overrated their mental capacity and moral caliber. Like the men who had enacted Congressional reconstruction, he did not appreciate the great fact of race, that between none of the important races of mankind was there a difference so wide as between the Caucasian and the Negro.

Furthermore he was sadly handicapped by his supporters and associates. The negroes, exceeding the whites by a population of 61,000, maintained that as they furnished most of the votes, they should have a fair share of the offices and demanded at least three out of the seven on the State ticket. They were accorded the lieutenant-governor, the state superintendent of education and the secretary of state who were elected along with Ames. The first two were unblushing rascals. It was Ames's custom to go North during the summer, and then the lieutenant-governor ran riot in pardons and commutations of sentence; apparently it was proved that $800 was paid him in hand to secure the pardon of a man convicted of murder. The State superintendent of education was under indictment for larceny at Brooklyn (N.Y.) and for malfeasance as circuit clerk of Warren county.[1] Under him, corruption followed extravagance in the administration of the schools.

The Africanization of the State may be measured by a comparison of the legislatures elected in 1869 and 1873; in the earlier there were 36 negroes, in the later 64, this last number being considerably over one-third of the whole body. In the 1873 legislature, the negroes were re-enforced by 24 carpet-baggers, and the Republicans had an overwhelming majority. It is remarkable that the State debt did not grow to large proportions: under carpet-bag-negro rule it increased only a little over a half a million. But the tax levy for State purposes alone was augmented from one mill on the dollar in 1869 to 14 mills in 1874. Nevertheless, to realize the misgovernment and corruption which had their source in the legislature, one must go outside the State capital. County offices were multiplied so that places were provided for nearly all the white Republicans who did not secure federal appointments. In some counties where

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[1] Garner, pp. 293, 366.

Republicans were scarce, a man would hold more than one office. The sheriff was the most important county officer: his compensation was in fees and perquisites which in some places mounted up to an excessive sum. This office was commonly held by a Northern white or a negro. But few negroes were competent to perform the duties; for instance, it was said that the coloured man, who for four years was sheriff of De Soto County could neither read nor write. The negro incumbent generally farmed out his office to a white deputy for a share of the revenue. The assessors also made large amounts of money. The boards of supervisors and justices of the peace were important local officials: these offices were often filled by negroes and incompetence and dishonesty reigned. Such were the leeches that drew the strength of the taxpayers. The tax levy ran from 2½ to 5 per cent. for State, county and township or municipal purposes; landowners could not pay their taxes; and there was forfeited to the State 6,000,000 acres, nearly one-fifth of the area of Mississippi, and considerably more land than was contained within the borders of Massachusetts and Rhode Island together. Strangely enough, the financial predicament of the Democratic counties seemed to be as bad as the Republican.[1]

Mississippi under carpet-bag-negro rule may be personified in the picturesque figure of one of her devoted servants who was destined to play an important part in her redemption. In her village of Oxford, the seat of her State University, Lucius Q. C. Lamar might be seen of a pleasant evening leaning over the white picket fence in front of his humble cottage. Bare-headed, clad in a frayed, ink-stained study-gown, he seems drooping like a wounded soldier. His sombre, thoughtful face upturned to a passer-by in an effort at a nod, tells of the sorrowful heart within that broods upon his dear suffering State. Coming upon a life half studious, half active, mainly solitary, the effect of these days of melancholy and anxious reflection, when he generously took to himself the sorrows of his community, was to prepare him for one of his greatest efforts.[1]

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[1] My authorities for this account are Garner; Appletons' Annual Cyclopædia, 1870–1874; Bancroft, The Negro in Politics; the two volumes of the Ku-Klux report devoted to Mississippi; Barksdale in Why the Solid South; *The Nation;* Mayes, Life of Lamar; Ames's testimony with Boutwell report.

Lamar was a lawyer and well educated; in 1850 at the age of twenty-five he became adjunct professor of mathematics in the University of Mississippi and ten years later took the chair of Ethics and Metaphysics. He served three years [1857–1860] in the national House of Representatives, was a delegate to the Charleston Convention, and a member of the Mississippi Convention of 1861, reporting from the committee the ordinance of secession which took his State out of the Union. A colonel in the Confederate Army until illness forced him to retire from the service, he was then sent to Europe on a mission to Russia for the Confederate government. This was not fulfilled, as the Senate did not confirm his appointment but during 1863 he visited England and France with much profit to himself. After the war he taught Psychology, Logic and Law in the University. Burdened with debts he told in a few words the story of many Southern men: "I feel sometimes pretty blue about the future. How I am to get along I can't see now; but I hope to get some law practice in addition to my salary" [July 26, 1866].[2] On the advent of Republican administration in Mississippi [1870], he resigned his professorship and depended for his living upon the practice of law. During this year he wrote in a private letter: "The country is in a deplorable state and the people, with all their sacred convictions scattered to the winds, are absorbed in the prosaic details of making a living. Our public men have become bewildered in the wreck of all that they considered permanent and true and know not what to do or advise. There is a perfect anarchy of opinion and purpose among us. . . . We feel that the fate of our section is not in our hands; that nothing we can *do* or *say* will affect the result."[1]

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[1] Life of Lamar, Mayes, pp. 166–168.

[2] Mayes, p. 124.

Two years of observation and reflection ended with pointing out to him the way. And the people of Mississippi knew their man: they inaugurated a movement which resulted in his election to Congress [1872]. He lay under disabilities but, as he had the faculty of making friends, these were at once removed by a Republican Congress, generous in the flush of their victory. His private correspondence shows his dominating thought was how to bring the two sections together so that each might see with the eyes of the other; after two years the opportunity came: he rose to pronounce the eulogy on Sumner.

It must be premised that up to the year 1872 the South hated Sumner almost as bitterly as Thaddeus Stevens, yet even then there was a difference in the feeling towards the two due to the high personal character of the Massachusetts senator. In 1872, Sumner's support of Greeley for the presidency established a community of political interest, and in December of the same year he won Southern regard by his magnanimity in asking leave in the Senate to introduce this bill: "Whereas the national unity and good will among fellow-citizens can be assured only through oblivion of past differences, and it is contrary to the usage of civilized nations to perpetuate the memory of civil war; therefore be it enacted etc., that the names of battles with fellow-citizens shall not be continued in the Army Register, or placed on the regimental colors of the United States." For this Sumner was caricatured by

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[1] Mayes, p. 130.

Thomas Nast and censured by the legislature of Massachusetts[1] but he awoke in Lamar's knightly heart a feeling that found expression on this memorable day [April 27, 1874].

Beginning in the conventional strain of eulogy, Lamar soon came to speak out of the fulness of his heart. "Charles Sumner," he said, "was born with an instinctive love of freedom, and was educated from his earliest infancy to the belief that freedom is the natural and indefeasible right of every intelligent being having the outward form of man. . . . And along with this all-controlling love of freedom, he possessed a moral sensibility keenly intense and vivid, a conscientiousness which would never permit him to swerve by the breadth of a hair from what he pictured to himself as the path of duty. To a man thoroughly permeated and imbued with such a creed and animated and constantly actuated by such a spirit of devotion, to behold a human being or a race of human beings restrained of their natural rights to liberty, for no crime by him or them committed, was to feel all the belligerent instincts of his nature roused to combat. The fact was to him a wrong which no logic could justify. It mattered not how humble in the scale of national existence the subject of this restraint might be, how dark his skin or how dense his ignorance. . . . But here let me do this great man the justice which, amid the excitements of the struggle between the sections now past, I may have been disposed to deny him. In this fiery zeal and this earnest warfare against the wrong, as he viewed it, there entered no enduring personal animosity towards the men whose lot it was to be born to the system which he denounced. It has been the kindness of the sympathy which in these later years he has displayed toward the impoverished and suffering people of the Southern States that has unveiled to me the generous and tender heart which beat beneath the bosom of the zealot and has forced me to yield him the tribute of my respect, I might even say of my admiration. . . . It was certainly a gracious act toward the South — though unhappily it jarred upon the sensibilities of the people at the other extreme of the Union and estranged from him the great body of his political friends — to propose to erase from the banners of the national Army the mementoes of the bloody internecine struggle, which might be regarded as assailing the pride or wounding the sensibilities of the Southern people. That proposal will never be forgotten by that people so long as the name of Charles Sumner lives in the memory of man. . . . Charles Sumner in life believed that all occasion for strife and distrust between the North and South had passed away, and there no longer remained any cause for continued estrangement between these two sections of our common country. Are there not many of us who believe the same thing? Is not that the common sentiment, or if it is not ought it not to be, of the great mass of our people

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[1] Pierce's Sumner, vol. iv. p. 550. On account of Sumner's illness, his bill was laid over in the Senate. It would not have passed. The House adopted a counter-proposition by a party vote. Before Sumner's death the resolution of censure by the Massachusetts legislature was rescinded and annulled by large majorities [Feb. 1874]. Ibid., p. 589. In this connection the action of Congress in 1905 is of interest. On Feb. 28, 1905 the President approved this resolution "That the Secretary of War is hereby authorized to deliver to the proper authorities of the respective States in which the regiments which bore these colors were organized certain Union and Confederate battle flags now in the custody of the War Department." On Feb. 10, Lamb of Virginia introduced the resolution in the House; it was referred to the Committee on military affairs. On Feb. 18, it was reported without amendment and referred to the Committee of the Whole. Feb. 21 it was called up by unanimous consent and immediately passed without debate. No yeas and nays [applause]. On Feb. 23, Alger reported it to the Senate and it was immediately passed without debate and without a call for the yeas and nays. *Cong. Record*, pp. 2381–3131. General Ainsworth, the Military Secretary, has returned 198 flags, divided thus among the States: Alabama 14, Arkansas 5, Florida 7, Georgia 24, Kentucky 1, Louisiana 8, Mississippi 18, Missouri 2, North Carolina 31, South Carolina 14, Tennessee 7, Texas 4, Virginia 63. Washington despatch to Boston *Herald*, March 29, 1905.

North and South? . . . The South — prostrate, exhausted, drained of her life-blood as well as of her material resources yet still honorable and true — accepts the bitter award of the bloody arbitrament without reservation, resolutely determined to abide the result with chivalrous fidelity; yet as if struck dumb by the magnitude of her reverses she suffers on in silence. The North exultant in her triumph and elated by success still cherishes, as we are assured, a heart full of magnanimous emotions towards her disarmed and discomfited antagonist; and yet as if mastered by some mysterious spell, silencing her better impulses, her words and acts are the words and acts of suspicion and distrust. Would that the spirit of the illustrious dead whom we lament to-day could speak from the grave to both parties to this deplorable discord in tones which should reach each and every heart throughout this broad territory, 'My countrymen *know* one another and you will *love* one another.'"

The eulogy produced a powerful impression. Republicans vied with Democrats in applause. Blaine the speaker was affected to tears, as were many others. Lyman Tremain, a radical Republican, visibly moved, exclaimed, "My God, what a speech! and how it will ring through the country!"[1] Blaine afterwards wrote, "Lamar pleased the radical anti-slavery sentiment of New England: he did not displease the radical pro-slavery sentiment of the South."[2] George F. Hoar, another auditor who soon followed with his own tribute to Sumner, wrote that hardly any other man could have said those words and retained his hold on Mississippi, but they "never shook for a moment the love for Lamar of a people who knew so well his love for them."[3] This eulogy, one of the most remarkable ever delivered in Congress, was an important contributing cause toward the redemption of Mississippi. "I never in all my life," wrote Lamar next day in a private letter, "opened my lips with a purpose more single to the interests of our Southern people than when I made this speech."[1]

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[1] Mayes, p. 188.

[2] Twenty Years, vol. ii. p. 546.

[3] Autobiography, vol. ii. p. 176. A day or two after the eulogy Lamar in company with Senator Thurman went to a circus where they witnessed the usual woman's feat on the flying trapeze. Letting go one trapeze and with a

The corrupt and incompetent ring of Vicksburg which had increased the city debt from $13,000[2] in 1869 to $1,400,000 in 1874 was broken up in August of the later year by the election of a Reform ticket. In December the Reform people, among whom were Republicans as well as Democrats, groaning under an aggregate rate of taxation of nearly 5 per cent., held a meeting in the determination to secure an honest county government as well. They forced Crosby, the sheriff, to resign; he went at once to Jackson to confer with the governor who told him to consider his resignation as void and advised him to take steps to regain the possession of his office. In accordance with this advice Crosby called upon the negroes of the county to sustain him by force.

Vicksburg was a city of 12,443, over half of whom were black; in the county [Warren] the black population was more than double that of the white. On the Sunday at Crosby's instance the ministers in all the coloured churches urged their congregations to arm and march to Crosby's aid. This threatened action and an exaggerated report that all the negroes of the county were rallying to the sheriff's standard for the purpose of attacking the city, greatly alarmed the white people, making them apprehend a negro insurrection with its

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wild scream, seeming as if she would fall to the ground, she caught another and resumed her performance. "Lamar," said Thurman, "that reminds me of you." "How so?" "About your speech, you know. You caught all right; but if you had missed you'd have broken your neck." Mayes, p. 191.

[1] Ibid., p. 188.

[2] This included the county debt.

dreaded accompaniments of robbery, killing, burning and rape. Any one who in carpet-bag days has strolled on the promenade of Vicksburg of a pleasant Sunday afternoon and studied the faces and manners of the negroes to be seen there must have gained some idea of the terror that seized the people on this occasion.[1] Under the direction of the Reform mayor the white men were organized to meet the danger.

Some of the negroes were under the delusion that Governor Ames and General Grant would be present in person as their leaders. On Monday December 7 [1874] a force of armed blacks approached the city; a part of it was the negro militia of the State. A number of conflicts took place and twenty-nine blacks and two whites were killed. President Grant issued the usual proclamation,[2] and Sheridan who was in command at New Orleans sent some soldiers to Vicksburg who reinstated Crosby and restored peace.[3]

A certain attention to chronological order, which in this case will assist the development of my subject, leads me now to turn aside for a time from the affairs of Mississippi to take up those of Louisiana.

The story of Louisiana under carpet-bag-negro rule from 1868 on is a sickening tale of extravagance, waste, corruption and fraud. The Republican party was composed of negroes, carpet-baggers and a small number of native whites, but, as, the coloured population exceeded the white by 2000 and the negroes were almost wholly Republicans, they were the real basis of the party at the ballot-box. When it came to the division of the offices they got at the outset by no means a proportionate share: their cleverer white allies took most of the fat places, but in the composition of the legislature the constituencies could not be ignored and there the negroes had a large representation.[1] Ignorant beyond any previous conception of legislators, except in their sister Southern States, they were not at first as corrupt as their white colleagues, but this was due not to virtue but to inexperience. As time went on they proved apt pupils.

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[1] I refer to a personal observation in 1872.

[2] Dec. 21.

[3] Garner, p. 328; Johnston, Miss. Hist. Soc. Pub. vol. vi. p. 193. Appletons' Annual Cyclopædia, 1874; The Cotton States in 1875, Nordhoff, p. 79; *The Nation*, Jan.-March, 1875, pp. 1, 141; Life of Lamar, Mayes, p. 232.

Corruption was unblushing. Legislation was openly bought and sold. "What was the price of a senator?" asked a member of a Congressional committee. "I think, six hundred dollars" was the reply.[2] In the rotunda of the St. Charles Hotel, New Orleans, among railroad lobbyists who were corrupting the legislature, a more frequent inquiry than "What's cotton?" was "How are negro votes selling to-day?"[3]

Nordhoff saw coloured members of the legislature, who ten years before were slaves, "driving magnificent horses, seated in stylish equipages and wearing diamond breastpins."[4] The grotesqueness and horror of negro rule struck honest observers no matter what were their predilections. "I myself," wrote George F. Hoar, "although I have always maintained, and do now, the equal right of all men of whatever color or race to a share in the government of the country, felt a thrill of sadness when I saw the Legislature of Louisiana in session in the winter of 1873 [1875]."[5] "I have been opposed to slavery ever since I sat on my father's knee," wrote Charles Nordhoff, "and was taught by him that slavery was the greatest possible wrong; but when in New Orleans last Wednesday [April 1875] I for the first time saw negro legislators I was unpleasantly startled—

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[1] About 40 to 46 in a House of 107; in 1873, 10 in a Senate of 36. House Mis. Doc. 42d Cong. 2d Sess., No. 211; H. E. D. 42d Cong. 3d Sess., No. 91.

[2] Report, No. 92, 42d Cong. 2d Sess., p. 26.

[3] So I was informed at New Orleans in 1872.

[4] The Cotton States, p. 43.

[5] Autobiography, vol. ii. p. 160.

not because they were black but because they were transparently ignorant and unfit. What then must have been the feelings of men who saw blacks, but lately their own slaves, and as ignorant as the mules they drove, preferred before them for office, set over them in authority, making laws for them — and making them very badly at that — openly plundering the State, bribed by rascally whites, and not merely enjoying, but under the lead of white adventurers, shamefully abusing place and power?"[1]

In the course of time an adroit and unscrupulous negro leader was developed who with his lieutenants grasped at the lucrative offices on the ground that his people furnished the votes. The negroes eagerly embraced the cause of corrupt leaders of their own colour, who, when elevated to office, had no sense of the dignity of the position but looked upon it simply as an opportunity for plunder and felt no shame in bribery and corruption. The very grossest misgovernment was the consequence of the combination of these corrupt whites and blacks and it was furthered by the centralized system constructed by the State constitution and the legislation resulting therefrom, which reposed almost despotic powers in the hands of the governor. The processes of the thieves resembled those of the Tweed ring of New York. There were "alteration and erasure of warrants, forgery of names," unauthorized and illegal issues of warrants and drawing of mileage by legislative committees for tours of inspection which were never made.[2] There were all sorts of fraud, bribery and embezzlement in the different parishes;[3] mismanagement and corruption in the school boards. There were corrupt district attorneys and judges; and illiterate negro juries trying intricate cases of commercial law. A man openly charged with theft was elected parish judge by the coloured people. Another whom the United States Supreme Court in a decision had alleged guilty of fraud in the sale of a railroad property was appointed Chief Justice of the Supreme Court of Louisiana by the governor and permitted to retain his place by the legislature.[1]

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[1] The Cotton States, p. 49.

[2] *The Nation*, Jan. 11, 1872, p. 19; Warmoth's Annual Message, Jan. 1, 1872.

[3] The parish subdivision corresponds to county in other States.

The rich and fruitful State of Louisiana, the characteristic products of which strike so powerfully the Northern visitor, the great commercial city of New Orleans, full of energetic and broad-minded merchants, a source of pride to the country before the war, a city the renown of which reached the limits of civilized trade, — these were being plundered by a gang of alien thieves assisted by former bondmen. Louisiana, to use the phrase of Carlyle was "God's fair Earth and Task-Garden" and her governors were stealing the substance of the governed. In 1861 the State tax was 29 cents on $100; in 1868, 52½ cents; in 1872, $2.15; in New Orleans the parish and municipal tax was $3 more. In some parishes the tax was even higher. The debt of Louisiana in 1868 at the beginning of Republican rule was 14 millions; the estimates of the debt on January 1, 1874 run all the way from 24 to 50 millions. New Orleans in 1875 had a debt of 22 millions, of which the bonds representing 17 millions sold for 35 cents on the dollar.

Misgovernment had almost amounted to confiscation. An estate in New Orleans worth one million in 1867 and yielding a net revenue of 7 per cent., did not five years later fetch enough rent to pay the taxes, insurance and usual repairs. "A house and lot assessed for $36,000 was sold in March 1875 for $11,000." These instances are quite typical of the general condition. "Property in New Orleans," wrote Nordhoff, "is almost worthless and totally unsalable. . . . Good residence property has fallen since 1868 more than 50 per cent. in value. Rents produce very small net income." In three years [1871–1873] the tax seizures by the sheriff were 47,491. James B. Eustis, a distinguished lawyer of New Orleans, testified before the Congressional committee on February 9, 1872 that the misgovernment was as desolating to his city as the great fire of the previous autumn had been to Chicago. "Capital is flying from the State," he continued, "commerce is decreasing and everybody who can is trying to get away. . . . It is only a question of time when we shall all be bankrupt."

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[1] Nordhoff.

In many of the parishes it was just as bad. In St. Landry [or St. Martin] between November 1871 and November 1873, 821 plantations and tracts of land were sold for taxes. "I," wrote Nordhoff, "have seen parish newspapers three of whose sides were filled with advertisements of tax sales."[1]

The governors of Louisiana were for the most part low-minded and sordid men; among the governed those qualities were common which in civilized states generally bring men to the top. But the corrupt government was maintained by Federal authority whose attitude was unequivocal as the presence of blue-coated soldiers testified. This force, be it said, was moral rather than physical. In all the Southern States on election day in November 1874 the number of United States troops was but 4082,[2] but behind them were President Grant, General Sherman and Lieutenant-General Sheridan.

Reference has been made to the Tweed ring of New York as a pattern of corruption. In New York or in any corruptly ridden city or State at the North, honest government could at any time be secured by a single-minded, well-devised, steadfast combination of the intelligence and property of the community. Honest government could likewise have been secured in Louisiana, had not each movement to this end run against the power of the United States, exercised in the interest of the Republican party. Such conflicts make up the history of Louisiana from 1872 to 1877; had President Grant withdrawn his support of the carpet-bag-negro rule, reform would have been achieved shortly after the autumn election of 1872.

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[1] The Cotton States, Nordhoff, pp. 57–63; Scott, Repudiation of State Debts, pp. 110, 111; report of Speer and Archer, House Reports, May 30, 1872, p. 21; Testimony, p. 534.

[2] President's message, Richardson, vol. vii. p. 298.

Disfranchisement of former Confederates was no obstacle. On the recommendation of Governor Henry C. Warmoth, a legislative, confirmed by a popular vote, removed all disabilities resulting from the war.[1] The next light for the intelligent and property-holding people came from a quarrel between two factions of the Republican party one headed by Governor Warmoth and the other by S. B. Packard, United States marshal. An account of this quarrel is not necessary for our purpose, but one result of it was that in 1872 Warmoth and the Conservatives had joined together to support a fusion State ticket, headed by John McEnery the candidate for governor. The Republicans opposed to him William P. Kellogg. After the votes were counted both parties claimed the election of the governor and the legislature, and in Louisiana to claim a victory meant to take steps to secure it.

A peculiarity of the Louisiana election law was the revision of the returns by a returning-board composed of the governor, the lieutenant-governor, the secretary of state and two others who were specifically named; these had the power to throw out the returns from any voting places which in their judgment had been carried by violence, intimidation, bribery or corrupt influences.

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[1] Appletons' Annual Cyclopædia, 1869, p. 394, 1870, p. 457.

Now the Republicans claimed over 18,000 majority, the Fusionists 10,000. Given a vote which could be made to assume such different complexions and an election law which conferred such powers, it is easy to see that in a State where politicians were unscrupulous, those who had the returning-board would canvass the returns in favour of their own party. Warmoth had the returns in his own hands but, as the board was not to his liking, he reconstructed it and in due time the new board announced the election of McEnery as governor and enough fusion members to make a majority of the legislature. The Republicans meanwhile got up a returning-board of their own which, procuring some pseudo-returns, declared that Kellogg and a Republican majority of the legislature were elected. Then the two parties settled down to an intricate political game, one feature of which was an order of Durell, United States Circuit Judge, issued at his private lodgings between nine and eleven in the evening, directing the United States marshal to take possession of the State House. Packard, who held this office and was also chairman of the Republican State Committee, had the United States troops at his service, by authority of the Attorney-General; with a military posse he seized and held the State House; his action was sustained by the President. Under the same protection the Republican legislature met and in due time Kellogg assumed the authority of governor.

The Senate Committee on Privileges and Elections investigated the subject and on February 20, 1873, Carpenter presented the majority report which was signed by him, Logan, Alcorn and Anthony, all Republicans. They maintained that, while on the face of the returns, McEnery was chosen, yet under Warmoth who held the entire machinery, the election, although unusually free from violence, had not been fairly conducted. But it was also true that the Kellogg government could only be maintained by the military power of the United

States.[1] They recommended therefore a new election and Carpenter introduced a bill for that purpose which provided machinery that would have ensured a fair vote.[2] This bill failed to pass the Senate, owing largely to the influence of Morton who was one of the Committee of investigation and had made a minority report, recommending non-interference and virtually a recognition of the Kellogg government. Morton had a powerful influence over Grant and to him was mainly due the President's message on Louisiana [February 25, 1873], in which he argued in favour of the Kellogg government and said that, if Congress took no action, he should recognize and support it.[3]

Of all the alternatives the President chose the worst. For literal justice the new election was the thing but substantial justice would have been done by withdrawing his support from Kellogg; then a bloodless revolution would have put the McEnery government in power. This would simply have restored the status of December 1872 when as Trumbull, one of the committee of investigation, said in his minority report, "But for the illegal interference of the United States authorities, as is stated in the report of the majority, the McEnery government would have been peacefully inaugurated." Trumbull made out a good case. He wrote that the election "was confessedly one of the most quiet and peaceful elections ever held in the State and the evidence shows that it was substantially free and fair." According to the census of 1870 there were 153 more white than coloured voters. Eight to ten thousand negroes voted the fusion ticket while probably not more than half that number of whites acted with the Republicans. These facts tended to show that, despite the frauds in some parishes, the McEnery majority of 10,000 was "the fairly expressed will" of the people of Louisiana.[1] When Congress adjourned without action, Grant had a chance to anticipate Hayes in allowing Louisiana to govern herself but here, as in so many other cases during his presidency, he missed a grand opportunity. To him, more than to any other one man, was it due that, owing to his support of the Kellogg régime, this State had yet to pass through two more years of turbulence, misrule and corruption and yet two more of very imperfect rule before she should obtain a government by her own people of intelligence and property.

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[1] Report, pp. xlv, l.

[2] This bill is printed in the *Globe*, p. 1850.

[3] Life of Morton, Foulke, vol. ii. p. 284; Richardson, vol. vii. p. 212.

Groaning under the yoke of corruption and feeling that, when they had attempted at the ballot-box to overturn it, they had been cheated, it was little wonder that the impetuous spirits among the people should be prompted to violence. The words of Grant's inaugural address, "The States lately at war with the General Government are now happily rehabilitated," had barely been uttered, when at Colfax in Grant parish well up on the Red River and 350 miles from New Orleans, there occurred a frightful massacre. Some desperate white men refused to recognize the parish judge and sheriff, who were commissioned by Governor Kellogg, and an invasion was threatened to depose them from office. The sheriff raised a posse of negroes to enable him to retain possession of the court-house; these threw up a small earthwork to fortify their position. On Easter Sunday, April 13, 1873, a large body of white men rode into the town and demanded that the negroes lay down their arms and surrender the court-house. This was refused. The white men opened fire with a cannon and drove the negroes from the breastwork; some of them fled down the river, some were overtaken and shot. About sixty or seventy negroes took refuge in the court-house. This was set fire to; as the negroes rushed out a number were killed and about thirty-seven captured. The prisoners were shot down in cold blood.[1] In all, fifty-nine negroes were killed and two white men.[2]

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[1] Report, pp. lii, lxiii, lxv.

Such occurrences postponed the day of redemption which was only possible by winning the sympathy of the Northern public. The words of George F. Hoar set a popular chord a-vibrating while the more philosophic statement of *The Nation* was looked upon as an apology for violence. Thus wrote Hoar in his report: "This deed was *without palliation or justification;* it was deliberate, barbarous, cold-blooded murder. It must stand like the *massacre* of Glencoe or of St. Bartholomew, a foul blot on the page of history."[3] *The Nation* thus: The "horrible massacre" was "a not unnatural consequence of the position in which Congress left the dispute between the two factions over the government of the State. . . . There is now a great outcry for the punishment of these 'demons' but there was no outcry, or at least no adequate outcry over the disgraceful connivance at Washington at the state of things which has converted Louisiana into a South American republic and destroyed all confidence on the part of all classes, not only in the law but in a popular vote which produces the law."[4]

In August 1874 at Coushatta, a town farther up the Red River than Colfax, the sequel to an affray between whites and blacks in which a number of each had been killed, was that six white Republican office-holders agreed to comply with the demand for their resignation; they surrendered themselves to the members of the White League who were the attacking party and victorious. While these six Republicans were being taken to

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[1] "A few who were wounded, but not mortally, escaped by feigning death."

[2] Report of Hoar, Wheeler and Frye, Feb. 1875, p. 13; Marshall's report, p. 10; statement of Judge Woods of the United States Circuit Court, cited by Grant in message Jan. 13, 1875, Richardson, vol. vii. p. 308.

[3] p. 14.

[4] April 24, 1873, p. 277.

Shreveport under guard, they were intercepted by another band "set upon and deliberately murdered in cold blood." [1]

During the summer of 1874 the President withdrew all troops from the State except a small garrison at New Orleans. Taking advantage of this, a large number of citizens of New Orleans rose on September 14 in an ill-considered attempt at revolution. They erected barricades in the streets and fought with the Metropolitan police who were mostly coloured; men were killed on both sides, in all a score or more. The citizens got possession of the State House and the Conservative leaders started to reorganize the government. President Grant issued a proclamation, sent troops to Louisiana, who compelled the surrender of the State property and the disbanding of the armed force that was sustaining the Conservatives. The United States soldiers then re-established the Kellogg government.[2]

In the autumn of 1874 an election for members of the legislature took place; on the face of the returns the Conservatives had a majority of 29 in a House of Representatives of 111 members. But the returning-board, an instrument of Governor Kellogg and Marshal Packard, found, after a session of many weeks, that 53 Republicans and 53 Conservatives had been elected while as to 5 seats they rendered no decision whatever. The main grounds on which so many Conservatives were thrown out were intimidation and fraud. "We are constrained to declare," say Charles Foster, William Walter Phelps and Clarkson N. Potter, a sub-committee of the national House who visited New Orleans, "that the action of the returning-board, on the whole, was arbitrary, unjust and, in our opinion, illegal; and that this arbitrary, unjust and illegal action alone prevented the return by the board of a majority of conservative members of the lower house."[1] During their stay of eight days in New Orleans Foster and his associates took much testimony. "No general intimidation of Republican voters was established," they say. "Of all those who testified to intimidation there was hardly any one who of his own knowledge could specify a reliable instance of such acts, and of the white men who were produced to testify generally on such subjects, very nearly all, if not every single one, was the holder of an office."[2] In truth there seems to have been quite as much intimidation practised by negroes on fellow-negroes, who were disposed to vote the conservative ticket. And "alleged intimidation" was used by the Republicans as a campaign shibboleth. Packard, as chairman of the Republican State Committee, used his office of United States marshal to make arrests of white citizens, through his deputies, who at times bore blank warrants and were aided by the Federal soldiers, thereby spreading abroad the idea that the dominant party was determined to win at all hazards and that any who stood in their way might suffer prosecution and imprisonment.[3]

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[1] Appletons' Annual Cyclopædia, 1874, p. 477; Marshall's report, p. 9.

[2] Appleton, 1874, p. 479; Grant's message, Richardson, vol. vii. p. 309; the different House of Representatives reports.

If there was fraud on the conservative side it was isolated and insignificant; the Republicans on the other hand erected it into a system. According to the census of 1870 there were 153 more white than coloured men over the age of 21, and there had been no change in this proportion favourable to the coloured. Yet 90,781 negroes registered, 4000 more than the adult males returned by the Census, as against 76,823 whites, 10,000 less. "The registration was wholly in the hands of the Kellogg officials"; there were in the Republican interest "5200 cases of conceded false registration in New Orleans alone." Foster and his associates affirm that so far as concerned violence, intimidation or fraud on the part of the Conservatives, the election was peaceable and fair.[1]

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[1] Report submitted Jan. 15, 1875, No. 101, 43d Cong. 2d Sess., p. 5. [2] Ibid.

[3] Ibid., p. 6; report of Foster, Phelps, Potter and Marshall, Feb. 23, 1875. No. 261, 43d Cong. 2d Sess., p. 2.

I have drawn these facts from two reports, obviously written by Foster, and signed by himself, Phelps and Potter; and the second report was also subscribed to by Marshall. Potter and Marshall were Democrats and must have gratefully agreed to a representation of facts so much in the interest of their party. But Foster and Phelps were Republicans and good party men. Foster was born in western Ohio and his schooling did not extend beyond the public schools and an academy, which he left at an early age to help his father in his store in the town of Fostoria. Succeeding to the business, he enlarged and modernized it; and by virtue of his occupation as a country store-keeper he had a wide acquaintance in his community; he became indeed its patron saint. If any one needed to borrow money to improve his farm or to satisfy the mortgage of an importunate creditor; if any one was in distress, if the manager of a charitable institution needed money, he applied to "Charley Foster." He went naturally into politics but he had reached forty-two when he first ran for Congress. His district was Democratic but he contested it successfully in 1870 and in the three following elections.[2]

William Walter Phelps, born in New York City, came from a Connecticut family of distinction. He had a rich father, who gave him every educational advantage, and he improved his opportunity to the utmost. He graduated from Yale College with honour and in after life took a keen interest in the management of that noble institution. He studied law at the Columbia law school and after graduation went into active practice. His father left him a fortune and, while he lived like a gentleman, he used his money in a way to promote the welfare of the people. He also devoted his life to their service looking upon the various offices he held as a public trust.[1]

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[1] Report submitted Jan. 15, 1875, No. 101, 43d Cong. 2d Sess., pp. 1, 2.

[2] I have drawn this account from the article in the J. T. White & Co. National Cyclopædia of Biography and my own recollections.

Foster, who had started life in the "Black Swamp" of Ohio, and Phelps, a product of the culture and refinement of the East, possessed in common the qualities of candour and moral courage. They looked upon both sides of the partisan question which they had to deal with in the turbulent city of New Orleans with the detachment of a historian in his study; and they had the advantage over the historian of meeting their witnesses face to face. The training of both had been such as to enable them to know a liar from a truthful and honourable man: discrimination as to the character of testimony is an element which pervades their report. History from her more tranquil standpoint endorses their verdict; and, in thinking of the stress of the time, we cannot fail to give high credit to these men for stating in unequivocal terms what virtually amounted to a condemnation of their President's and their party's policy.

Foster, Phelps, and Potter were still in New Orleans, when on January 4, 1875 occurred a sequel to the manipulation of the returns which again attracted the attention of the country to Louisiana. They saw much, and this enforced by testimony taken afterwards enabled them to present a contemporary account of the highest value. At noon the clerk of the last House called the roll of the present assembly; 52 Republicans and 50 Conservatives answered to their names. [A full House was 111.] Instantly thereafter a number of members rose but Billieu, a Conservative, held the floor and nominated Wiltz another Conservative as temporary chairman. Paying no attention to a point of order raised by the clerk he put the motion which was responded to by loud ayes and equally loud noes, but he declared it carried. Wiltz sprang to the platform, seized the gavel from the clerk, was sworn in by a justice, called the House to order and administered the oath to the members in a body. A clerk, sergeant-at-arms and a number of assistant sergeants-at-arms were appointed; these last appeared at once with badges bearing the insignia of their office. On a motion, which was carried amid much disorder, the five conservative members from the parishes left in dispute by the returning-board were seated. Wiltz was elected speaker and, after taking the oath, proceeded to swear in the members, but, as most of the Republicans had withdrawn from the House, only 60 members in all remained. Fifty were the Conservatives who had originally answered to their names, five more were those who had just been admitted and five were Republicans. These five Republicans undertook to withdraw from the hall. Wiltz ordered the Sergeant-at-arms to prevent their egress in order to avoid breaking his quorum of fifty-six. Meanwhile the disturbance prevailing in the lobby outside the bar of the House was increasing. On motion, the commander of the Federal troops was asked to preserve the peace. General de Trobriand appeared, accompanied by only one aid; a word from him to the crowd in the lobby restored order. The General retired; the business of the House went on. At about three o'clock General de Trobriand, in uniform, his sword at his side, and two of his staff in attendance, reappeared, furnished with an order from Governor Kellogg to clear the hall of all persons not returned as legal members by the returning-board. He gave the speaker to understand that he proposed to eject the five members. Speaker Wiltz protested, but the General was inexorable. He called his soldiers into the hall and ordered the five expelled. With fixed bayonets the soldiers approached successively each member, sitting in his seat, and forced him to leave the House. Wiltz and the Conservatives thereupon withdrew. The Republicans remained and, after effecting a crude organization, proceeded to business.[1]

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[1] I have drawn this account from the articles in the Cyclopædias of Appleton and J. T. White & Co. and the obituary notice in *The Nation*, June 21, 1894. *The Nation* of Jan. 21, 1875, said that Foster, Phelps and Potter were "three as honest, fair-minded and judicious men as could have been selected from the whole House of Representatives."

Sheridan was in New Orleans on this day having been requested by the President eleven days earlier to go thither in order to ascertain the true condition of affairs; he then received authority for assuming the military command, which he did on the night of January 4. Next day he sent word to the President to have no uneasiness as he could easily preserve the peace; in his telegram he called certain people of New Orleans "banditti" and in a second despatch emphasized and elaborated this characterization, giving at the same time his remedy for the existing difficulty. "I think," he telegraphed, "that the terrorism now existing in Louisiana, Mississippi and Arkansas could be entirely removed and confidence and fair dealing established by the arrest and trial of the ringleaders of the armed White Leagues.[2] If

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[1] This account is drawn from the report of Foster, Phelps and Potter (p. 16) with a few details from the memorial of the conservative members (Mis. Doc. No. 45, 43d Cong. 2d Sess.). Cf. Wiltz to the President Jan. 4., Ex. Doc., No. 13, ibid., p. 21; also Hahn's statement, Mis. Doc., No. 46, ibid. The number of ejected members is variously given but Foster's "five" fits into the situation.

[2] The White League in the State at large was simply another name for "the conservative party" or "the white man's party." In New Orleans it was an armed organization 2500 to 2800 strong composed of "reputable citizens and property holders" whose purpose was declared "to be simply protective." The affair of Sept. 14, 1874 was under their direction. Report of Foster, Phelps and Potter, p. 8.

Congress would pass a bill declaring them banditti they could be tried by a military commission. The ringleaders of this banditti, who murdered men here on the 14th of last September and also more recently at Vicksburg, Mississippi should, in justice to law and order and the peace and prosperity of this southern part of the country be punished. It is possible that if the President would issue a proclamation declaring them banditti, no further action need be taken, except that which would devolve upon me."[1]

Grant had ever a lively sense of Sheridan's efficient support during his last military campaigns. Not long after the receipt of these "banditti" despatches, he said, "I believe Sheridan has no superior as a general, either living or dead, and perhaps not an equal. . . . He has judgment, prudence, foresight and power to deal with the dispositions needed in a great war."[2] Now the President at first thought that he was showing the same qualities in dealing with a delicate situation in civil affairs. This word was sent by the Secretary of War to him at New Orleans. "The President and all of us have full confidence and thoroughly approve your course;" and "Be assured that the President and Cabinet confide in your wisdom and rest in the belief that all acts of yours have been and will be judicious."[3]

When the news of the ejection of members of the Louisiana legislature by Trobriand and his file of soldiers was received and Sheridan's despatches were published, a cry of indignation arose at the North. The Democrats in the Senate at once gave vent to their wrath, and while certain other manifestations had somewhat of a partisan tinge, in general the indignation of Democrats was shared by Republicans. Indeed, as tested by the autumn elections of 1874, the opposition to the party in power was in the majority. Schurz was the able representative of a great number who had broken with their old party in displeasure without embracing many of the tenets of the Democratic. Thus he spoke in the Senate: "Sir, no American citizen can have read without profound regret and equally profound apprehension the recent despatch of General Sheridan to the Secretary of War, in which he suggests that a numerous class of citizens should by the wholesale be outlawed as banditti by a mere proclamation of the President, to be turned over to him as a military chief, to meet at his hands swift justice by the verdict of a military commission. Nobody respects General Sheridan more than I do for the brilliancy of his deeds on the field of battle; the nation has delighted to honor his name. But the same nation would sincerely deplore to see the hero of the ride of Winchester and of the charge at the Five Forks stain that name by an attempt to ride over the laws and the Constitution of the country and to charge upon the liberties of his fellow-citizens. The policy he has proposed is so appalling, that every American citizen who loves his liberty stands aghast at the mere possibility of such a suggestion being addressed to the President of the United States by a high official of the Government. It is another illustration how great a man may be as a soldier, and how conspicuously unable to understand what civil law and what a constitution mean; how glorious in fighting for you, and how little fit to govern you! And yet General Sheridan is not only kept in Louisiana as the instrument of the Executive will, but after all that has happened, encouraged by the emphatic approval of the executive branch of this government.

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[1] Ex. Doc., No. 13, 43d Cong. 2d Sess., p. 23.

[2] Feb. 15, 1875. To Hoar and Frye, Hoar's Autobiography, vol. i. p. 209.

[3] Jan. 6, Ex. Doc., No. 13, 43d Cong. 2d Sess., p. 25. "This despatch was hastily written by the Secretary of War, who, without intending it, did great injustice to a part of the Cabinet. We have the authority of General Belknap (Secretary of War) himself for saying that Mr. Fish and Mr. Bristow (Secretary of the Treasury) indignantly protested against General Sheridan's atrocious proposition." J. S. Black (1877), Essays and Speeches, p. 319, note.

"I repeat, sir, all these things have alarmed me, and it seems not me alone. In all parts of the country the press is giving voice to the same feeling, and what I learn by private information convinces me that the press is by no means exaggerating the alarm of the people. On all sides you can hear the question asked, 'If this can be done in Louisiana, and if such things be sustained by Congress, how long will it be before it can be done in Massachusetts and Ohio? How long before the constitutional rights of all the States and the self-government of all the people may be trampled under foot? How long before a general of the Army may sit in the chair you occupy, sir, to decide contested election-cases for the purpose of manufacturing a majority in the Senate? How long before a soldier may stalk into the National House of Representatives, and pointing to the speaker's mace, say, take away that bauble.'"[1]

New York held a large indignation meeting in Cooper Institute, Boston another in Faneuil Hall. William Cullen Bryant, an old Republican, had regarded with increasing disfavour the policy of his party towards the South. The events in New Orleans astounded him and, although he was past eighty, he took a prominent part in getting up the meeting in Cooper Institute; and he spoke there "with the vehemence and fire of a man of thirty" denouncing the action of the soldiers and the President. Evarts also expressed the sentiment of many Republicans, but it was felt that the crowd was neither Democratic nor Republican; it was American.[2] "No calm and observing man can to-day doubt," wrote Charles Francis Adams, Jr., "that a vast majority of the people are utterly opposed, on the Louisiana issue, to the existing government. The adverse majorities of last autumn have quadrupled since the year 1875 began."[1] The legislatures of Ohio, Missouri and Georgia reprehended the outrage against civil liberty perpetrated by the Federal troops in Louisiana.[2] Although these legislatures were Democratic, the formal resolutions and their phraseology are evidence of the deep feeling. On the other hand the carpet-bag-negro legislature of Mississippi approved the policy recommended by General Sheridan.[3]

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[1] Jan. 11, *Cong. Record*, p. 367.

[2] The New York meeting was Jan. 11, the Boston Jan. 15; New York *Tribune*, Jan. 12; Boston *Advertiser*, Jan. 16; *The Nation*, Jan. 14; Life of Bryant, Godwin, vol. ii. p. 357.

In response to the Senate's request for information, the President sent to it a considerable amount of official correspondence and also a special message [January 13] in which he defended his recognition and protection of the Kellogg government. While he did not justify fully Trobriand's expulsion of the five members, he in no way disavowed it; he urged that the action of the soldiers was directed against fraud, disorder, violence and anarchy and the right or wrong of it "is perhaps a debatable question." He made an apology for Sheridan who "never proposed to do an illegal act." He seemed to think it a pity that the General's policy could not be adopted as it "would if legal soon put an end to the troubles and disorders" in Louisiana.[4]

The report of Foster, Phelps and Potter was given to the public on January 15 and produced a profound impression. It was almost, if not quite unprecedented, that men of both parties on a Congressional committee should entirely agree when they investigated a partisan question; that instead of a majority and a minority report there was one only, and that one a production of striking discernment and candour. The scope of the report has already been indicated; it was presented to a Northern public which had made up its mind that the negro-carpet-bag governments at the South were corrupt and oppressive and peace could only be secured by the establishment of home rule such as existed in Virginia, North Carolina and Georgia. Here, then, was new strength to the opposition. "The conviction has been general among the whites since 1872," read the report, "that the Kellogg government was an usurpation. . . . With this conviction is a general want of confidence in the integrity of the existing State and local officials; — a want of confidence equally in their purposes and in their *personnel* — which is accompanied by the paralyzation of business and destruction of values. . . . As the people saw taxation increase and prosperity diminish — as they grew poor while officials grew rich — they became naturally sore. That they love their rulers cannot be pretended."[1]

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[1] *The Nation*, Jan. 21, 1875, p. 39.

[2] Jan. 14, 19, Georgia's undated, Docs. 47, 62, 63, 43d Cong. 2d Sess.

[3] Jan. 12, ibid., No. 60.

[4] Richardson, vol. vii. p. 312.

The report was damaging to the Republican party and stiff partisans thought that something ought to be done to counteract its effect. George F. Hoar, the chairman of the committee,[2] William A. Wheeler and William P. Frye, good Republicans, proceeded to New Orleans to make another investigation.[3] They remained there eighteen days; seeing many people and taking a large amount of testimony, they came to an appreciation of the sentiment of New Orleans and Louisiana. Indignation at the expulsion of the five members had culminated in a cry of rage when Sheridan called the best people of their city "banditti." The General was execrated. He stopped at the St. Charles Hotel and, when he entered the breakfast room each morning, he was greeted with loud hisses and groans. Men at table marked abusive articles in the morning journals and had the waiters hand them to Sheridan who bowed and smiled to the sender as if he were receiving a pleasant compliment.[1] Threats of assassination were in the air but they caused him no concern.[2] One night, however, he was irritated at what he deemed a palpable hit from a Northern friend. Lawrence Barrett, playing Richelieu at the New Varieties theatre, invited Sheridan to be present as his guest and reserved a box for him. The actor had a host of friends in New Orleans and he felt for them in their trouble. When he came to the words of Richelieu in the second act, "Take away the sword; States can be saved without it," he spoke them with unwonted force and fervour. Cheer upon cheer resounded. The house rose to its feet in an uproar of enthusiasm. At the end of the act, Sheridan rushed behind the scenes and with a round oath demanded of Barrett why he put that in the play?[3]

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[1] pp. 6, 7.

[2] It was officially "a select committee of seven upon that portion of the President's message relating to the condition of the South." Hoar, Wheeler, Frye, Foster, Phelps, Potter and Marshall were the members.

[3] Samuel Marshall, Democrat, accompanied them.

Sheridan knew no more of law than he did of literature. He called on Hoar the night before he left New Orleans and referring to the Force bill then pending said, "What you want to do, Mr. Hoar, when you get back to Washington is to suspend the what-do-you-call-it," meaning of course the writ of *habeas corpus*.[4]

Hoar presented to the house February 23, 1875 the report written by himself and signed also by Wheeler and Frye. Much of it was devoted to the "outrages" which had come to be the sole remaining avowed Republican argument for the continuance of Federal control over the Southern States. He and his colleagues showed a willingness to believe, when they accepted as substantially true the figures of Sheridan, who in his inquiry had wrought himself up to the point of believing on slight evidence anything bad of the Southern people. The General's "careful statistics" showed that in Louisiana from 1866 to February 8, 1875 there had been killed 2141, and wounded 2115, on account of their political opinions.[1] Nordhoff, who had seen Sheridan's figures and the committee's report, and in addition had made systematic inquiries of his own, who held no brief for party or section, but was painstaking and impartial in his effort to get at the truth wrote, "I am satisfied that since the year 1870, except in the Coushatta and Colfax affairs, most of the murders in Louisiana have been non-political in their origin and a great proportion of them have been of negroes by negroes, mainly on account of jealousy in their relations with their women."[2]

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[1] Hoar's Autobiography, vol. i. p. 208.

[2] No attempt was made to do him violence. Ibid.; Ex. Doc., No. 13, p. 25.

[3] Incident related to me by Lawrence Barrett.

[4] Hoar's Autobiography, vol. i. p. 208.

Hoar was too honest to suppress facts that made against his party and so he furnished, though unintentionally, a fresh indictment of the Congressional policy of reconstruction and Republican rule in Louisiana. In the State "78,524 out of 87,121" negro voters could not read and write, he said. "These masses of illiterate voters must of necessity to a very large extent be instruments in the hands of others, who can influence their passions or excite their fears." How well he told the consequence. "There has been great maladministration," he said; "public funds have been wasted, public credit impaired and taxation is heavy. . . . There has been much dishonesty, much corruption in State and local administration in Louisiana."[3]

Hoar, Wheeler and Frye believed that intimidation prevented "a full, free and fair election" in 1874;[4] but the action of the returning-board was wrong; the method adopted by the Conservatives "to set right this wrong was totally objectionable"; they expressed no judgment "of the lawfulness of the act" of General de Trobriand but believed that "his interference alone prevented a scene of bloodshed."[1]

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[1] Report, p. 14; Sheridan's despatch of Jan. 10 gave "nearly 3500." By Feb. 8 this had grown to 4256.

[2] The Cotton States in 1875, p. 48.

[3] Report, pp. 8, 23, 28.

[4] Report, p. 19. Foster, Phelps, Potter and Marshall who submitted a majority report simultaneously with Hoar's, dissented emphatically from this statement, p. 1 *et seq.*

On the recommendation of Hoar, Wheeler and Frye, to which tacit consent was given by Foster and Phelps, Wheeler, who possessed a rare tact for conciliation, arranged a compromise between the opposing parties and factions which was carried out. Twelve conservative members who had been excluded by the returning-board were seated in the House, thus giving the Conservatives a majority. The Senate remained Republican. The legislature by resolution agreed not to disturb the Kellogg government during the remainder of its term.[2] The full redemption of Louisiana (and that of Florida as well) is a part of the history of the presidential campaign of 1876 and the disputed presidency which will later be related.[3]

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[1] Report, pp. 21, 22.

[2] Appletons' Annual Cyclopædia, 1875, p. 457; *The Nation*, 1875, pp. 197, 268, 270; Hoar's Autobiography, vol. i. p. 243.

[3] Besides the authorities mentioned I have used in this account Appletons' Annual Cyclopædias from 1869 to 1875; the file of *The Nation* for the same years; Life of Bowles, Merriam, vol. ii.; Life of Morton, Foulke, vol. ii.; Phelps's Louisiana.

CHAPTER XLII

I SHALL now resume the story of Mississippi. The interference of the President, through Sheridan after the conflict at Vicksburg, obscured the gleam of light from the Democratic victory in the general congressional elections of 1874, drawing even from Lamar these despairing words: "I think the future of Mississippi is very dark. Ames has it dead. There can be no escape from his rule. His negro regiments are nothing. He will get them killed up and then Grant will take possession for him. May God help us!"[1] But as the months wore on, confidence was regained and the men representing the intelligence and property of the State determined to carry the fall election of 1875 and get a legislature of their own choice. On August 3, the Democratic convention met and listened at the outset to a speech from Lamar. "If any one thing is true," he said, "the people of Mississippi have pledged themselves to maintain the three amendments to the Constitution [XIII, XIV, XV] and have no power or desire to change them." He urged that the sacred rights of "the newly enfranchised race" be respected and in a private letter he told of his labouring with his fellow Democrats: "I have just emerged," he wrote, "from a struggle to keep our people from a race conflict."[2] Later in the month the Republicans held their convention and then began the most exciting canvass which Mississippi had ever known. At the same time an election campaign was going on in Ohio in which each side held to a principle which they deemed vital to the preservation of their earthly possessions. In both States were large meetings, able speeches, argument, entreaty, keenest interest and impassioned appeals. In Ohio peace and order prevailed as usual. In Mississippi it was by no means an ordinary election campaign; it was war to the knife. The Republicans fought for the existence of their party, the Democrats for the dearest rights of liberty and property.

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[1] Feb. 15, 1875 to his wife. Mayes, p. 211.

[2] Mayes, pp. 254, 258.

Mississippi was in many respects a frontier community, and slavery had fostered the recourse to knife and pistol. Everybody went armed. In slave times the clash was between white men, but now the negroes carried weapons and the conflicts were those of race in which desperadoes and turbulent young men made small bones of killing a negro. At the beginning of the campaign it was estimated that there were 15,000 more negro than white voters: not more than 5000 negroes could be counted on to vote the Democratic ticket and these were more than offset by 9000 white Republicans.[1] It was apparent to the Democrats that in some way a number of negroes must be gained over or else prevented from going to the polls. The canvass was to this end and it was recognized by Lamar and General J. Z. George (the chairman of the Democratic State Executive Committee) that if violence were used, public opinion at the North would be stirred up against their cause, and the President would probably send troops to Mississippi, whose influence would be potent on the Republican side. It was a difficult matter for these astute men to restrain their turbulent followers and they were not always successful, although General George showed on the whole a high order of ability as a campaign manager.

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[1] The Cotton States, Nordhoff, p. 75.

A conflict between the whites and the blacks in Vicksburg on the fifth of July, in which the negroes got the worse of it, did not lead to serious consequences but the events of September came near wrecking the Democratic plan. At Yazoo City the Democrats broke up a meeting at which Colonel Morgan the sheriff was speaking, fired a number of shots at him with intent to kill but he escaped unharmed though another white Republican was murdered. Morgan lay in hiding a number of days and then fled to Jackson. The affair at Clinton, a little town ten miles west of the capital and the home of Mississippi College, was a calamity. At a barbecue of their own, the Republicans had consented to a joint debate with the Democrats. Judge Johnston, the first speaker and a Democrat, was heard without interruption by an audience of 1200 negroes and 100 white men; but soon after Captain Fisher, the Republican, began, a pistol was fired. Soon there were twenty or thirty shots in quick succession. A crowd rushed up the hill away from the speaker's stand, being scattered in every direction by "a tremendous volley of shots." The armed white men gathered together and chose a captain. Abel Anderson, whose testimony I have followed largely, took a position between the whites and the blacks and, despite the excitement of the moment, uttered words showing the economic advantage of peaceful relations between the two races. "For God's sake," he exclaimed, "stop this letting of blood; look at the cotton fields around ready for picking. Those hands and that cotton are the wealth of the country."[1] Through his influence, and that of the Captain and of Judge Johnston the riot was stopped but already three white Democrats and a number of negroes had been killed. The aftermath continuing for days was horrible. Two of the murdered white men were of good family and highly esteemed in the community. This circumstance and the general belief that their bodies were mutilated caused the rage against the negroes to pass beyond bounds: twenty or thirty were killed, some being shot down in cold blood.[1]

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[1] Testimony, Boutwell report, p. 290.

On September 7, Governor Ames telegraphed to President Grant that, "Domestic violence, in its most aggravated form, exists in certain parts of this State" and he asked if troops could be sent by virtue of the presidential proclamation of December 21, 1874.[2] Word in the negative was received and he then asked for protection under section 4, Article IV of the Constitution.[3] During the previous autumn, the President had interfered in Alabama under less provocation and with less reason, but the fall elections of 1874 and the check he had received in the defeat of his Arkansas project and his Force bill had warned him that a limit must be placed to Federal interference with the rights of the States. On the same day that Ames sent his second despatch, the Republican State Convention of New York with George William Curtis as its chairman assembled at Saratoga and declared for "a just, generous, forbearing national policy in the Southern States and a firm refusal to use military power except for purposes clearly defined in the Constitution."[4] Moreover there was a new Attorney-General. George H. Williams had been forward in his counsel to the President to employ the Army in the South and when discretionary powers were reposed in him he used them imperiously. "The freedom of his 'legal mind' from doubts was one of the most remarkable incidents" of any crisis in which he was called upon for an opinion. "Somehow it seemed to him that all *states* of facts and *all* emergencies called for the despatch of troops."[1] But Williams had given place to Edwards Pierrepont, a good lawyer of New York City, to whom Ames's request was submitted. The President, the Attorney-General and every member of the cabinet who had been consulted were opposed to sending troops on the showing of the governor. In a despatch to Pierrepont Grant showed his susceptibility to the influence of popular sentiment. "The whole public," he said, "are tired out with these annual autumnal outbreaks in the South and the great majority are ready now to condemn any interference on the part of the government."[2]

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[1] Garner; Testimony of Anderson, Johnston and Montgomery, Boutwell report. The Yazoo trouble was Sept. 1, the Clinton began Sept. 4.

[2] *Ante;* Richardson, vol. vii. p. 322.

[3] "The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the Executive (when the legislature cannot be convened) against domestic violence."

[4] Appletons' Annual Cyclopædia, 1875, p. 562.

A number of the white Republicans of Mississippi who had quarrelled or differed with Ames, among whom were both the United States senators, used their influence against the sending of Federal troops to Mississippi and none were sent.[3] Ames was disappointed at this but, being a man of great courage, he at once set about preparing for war with the means at hand. He organized the state militia. The spirit of determination shown in his call, To arms! was materialized in a requisition for 1000 Springfield breech-loaders. From the nature of the case the militia companies were composed almost entirely of negroes and their marching and counter-marching through the country drove the white people to frenzy. Even a cool-headed man like General George advised the Democrats to form military organizations that should be able to maintain a front against the negro militia. Many indications pointed to trouble. A hardware merchant of Vicksburg reported that with the exception of the first year of the war his trade had never been so brisk. It was said that 10,000 Spencer rifles had been brought into the State. A fight took place [October 9] at Friars Point, Coahoma County in which six negroes and two white men were killed. Many bloody conflicts would undoubtedly have occurred between whites and blacks, had it not been for the conciliatory work of George K. Chase, who came to Mississippi as the agent of Attorney-General Pierrepont and brought about a "Peace Agreement" between the Governor and a committee of Democratic citizens with General George at their head.[1] Ames agreed to disband his militia and the Democrats promised to do all in their power to maintain peace and secure a fair election. Ames and the Democrats carried out to the letter their respective parts of the agreement. There appears to be no question in regard to Ames; and the Democrats are vouched for by Thomas F. Bayard and Joseph E. McDonald who wrote the minority report of the Senate Committee which investigated the election, and who were as honourable men as ever sat in the upper house of Congress. "It will be difficult for any mind however prejudiced," they said, "to construe any portion of the telegraphic correspondence" between George and his party associates throughout the state (which had been seized and was now in possession of the committee,) "so as to favor the suspicion that lawlessness of any kind was looked to as an element for the success of the Democratic party in that canvass. From first to last there is nothing but what is creditable to Mr. George and his Democratic correspondents as honorable, peaceful and law-abiding citizens."

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[1] *The Nation*, Sept. 23, 1875, p. 193.

[2] Appletons' Annual Cyclopædia, 1875, p. 516.

[3] There were 100 United States troops at Vicksburg, 120 at Jackson and 200 at Holly Springs. Garner, p. 391, note 5.

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[1] Johnston gives a different account of this Peace conference minimizing the influence of Chase. Miss. Hist. Soc. Pub. vol. vi. pp. 68–75. His account fits into the situation as well as mine which is largely based on the contemporary evidence.

But General George, Ethelbert Barksdale and the others who strove with them could not control the desperadoes, the turbulent spirits and the refractory young men, who had enlisted in the cause of redeeming Mississippi, and the fact remains that intimidation had its part in giving the Democrats their large majority. Violence diminished after the Peace Agreement and, so far as I have been able to sift the evidence, I believe that in the riots and race conflicts during this canvass the Republicans and negroes were at least equally to blame with the Democrats. But both before and after the conference of Chase with George, intimidation was a formidable weapon and, as election day drew near, it was wielded with great effect. A mild form of it was the threat to discharge labourers if they voted the Republican ticket, — a method which the Southerners might have said they had borrowed from the North. The real "Mississippi plan" however was to play upon the easy credulity of the negroes and inspire them with terror so that they would vote the Democratic ticket or stay away from the polls. Cannon were dragged through the country and fired on the public roads in proximity to Republican meetings.[1] At some of these gatherings the Democrats insisted upon a division of time between opposing speakers and enforced their demand by the presence of their rifle clubs.[2] During a barbecue in Jackson six days before the election, they borrowed a government cannon from the United States camp, hitched four mules to it and made it a part of their procession which marched through the streets past the executive mansion. The procession indeed became a mob that hooted, stuck their fingers up to their noses, made insulting grimaces and cried out to the Governor to go back to "beast Butler,"[3] to Massachusetts where he belonged. Some drew their pistols and fired at the mansion; one ball passed over the head of Chase who was looking at the performance from a window. This was in broad daylight; in the evening the mob returned and fired the cannon in the rear of the Governor's mansion as well as pistol-shots "making a great disturbance." Then they wrecked the office of the *Pilot* newspaper, the radical and official State organ.[1]

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[1] Garner, p. 374, note 2.

[2] The Negro in Politics, Bancroft, p. 62.

[3] Ames was a son-in-law of Butler.

According to the law, men might vote in their respective precincts or at the county seat and under the advice of their leaders it was customary for the negroes to go in mass to the chief town. In Lowndes County, the night before the election, squads of white men guarded the fordways across the Tombigbee River leading from the black belt to Columbus and, as the black voters appeared, they were turned back from their purpose.[2] The negroes' habit of gathering at the polls before they were opened suggested another device. A few horsemen with ropes tied to the pommels of their saddles rode up to a voting place, where a crowd of black voters were standing about awaiting the hour when they might deposit their ballots, and asked the judges how soon the polls would be opened. "Not for about fifteen minutes" was the reply. "Well," said the horsemen as they started off, "then the *hanging* will not begin for about fifteen minutes." "Not a word was spoken to the blacks, but before the fifteen minutes were up not a negro could be seen."[3] In the counties, where the contest raged the fiercest, white men generally gave the negroes to understand that they were determined to carry the election, peaceably if they could, forcibly if they must.

At some time within a month before election day [between October 5 and November 2] Chase reported to the Attorney-General that "there was no chance for a fair election without the aid of United States troops." The soldiers (presumably those in the State) were ordered to interfere if it were necessary to prevent actual bloodshed.[1] No additional troops were sent to the State; those already there made no interference. The Democratic leaders were eager to avert any such contingency; indeed their assurances that there would be a fair election and their efforts to secure it had to some extent been prompted by a desire to have the whole matter left to the control of the State authorities. One reason of their repugnance to the Federal soldiers is apparent. The presence of the blue-coats put heart into the negroes, rendering futile the arguments and entreaties of Democratic citizens and neutralizing the threats of those engaged in the work of intimidation. The poor, credulous, much-abused blacks were swayed by fanciful reasons. Although the United States cannon was loaned indiscriminately to the two parties for the purpose of a salute, the fact that the Democrats had obtained it for the Jackson barbecue, to which reference has been made, produced a profound impression. A number of negroes said to George K. Chase, "The government has gone against us; they [the Democrats] have got the government cannon and the government flag and everything, and no use now to vote." [2]

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[1] Chase's testimony, Boutwell report, p. 1805. Cf. Barksdale's, p. 475.

[2] Garner, p. 394. Cf. vote 1873 and 1875. Boutwell report, p. 38.

[3] Bancroft, p. 63, note.

There was however another reason, and an excellent one, for the endeavours of the Mississippi Democrats to prevent the use of Federal troops during the election canvass: this I prefer to present in the words of Northern Republicans. Charles Nordhoff, a German, who had imbibed his anti-slavery opinions as a youthful immigrant, who had never voted any other national ticket than the Republican and who was a keen observer, an honest and truthful man, visited in 1875, as a correspondent of the New York *Herald*, six of the Southern States,[1] and, explaining that the pamphlet he published on his return was a report on political and industrial conditions, he addressed it to President Grant. "The Enforcement Acts," he wrote, "have been used in the last year or two, in all the Southern States I have seen, almost entirely for political purposes; and they are very dangerous and effective tools for this purpose. But to right personal wrongs they are slow, ineffective and almost useless. There was I believe a time four or five years ago, when the Enforcement Acts were valuable by enabling energetic Federal officers to promptly suppress Ku-Klux organizations. But at present these laws are mere political and partisan instruments."[2] Until this autumn, in the States which had carpet-bag governors, said *The Nation* — and the words have the ring of Godkin, — "there was going on, preparatory to the election, a system of wholesale arrests of white citizens by parties of cavalry on the charges of 'intimidating' negroes which from their very nature were incapable of disproof. . . . There was no doubt at the time in our minds that all this was part of an electioneering scheme on a great scale, for which the Force Acts and the Attorney-General's office were to supply, and did supply, the machinery."[3]

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[1] Chase's testimony, Boutwell report, p. 1804.

[2] Testimony, Boutwell report, p. 1814.

The election took place on November 2. The Democrats carried the State by nearly 31,000; gained a majority in the legislature of 93; elected their officials in nearly all of the counties; and chose four out of the six members of Congress.[4] Intimidation was practically confined to ten counties out of seventy-three.[1] Yazoo makes the worst showing: the Republican vote in 1873 was 2427, in 1875, 7: the Democratic increased from 411 to 4044. Democratic leaders of this county in conversation with Frederic Bancroft, who has made a large personal investigation of affairs at the South, made no attempt to deny that intimidation and force were employed.[2] No other county shows so glaring a result, although in some counties the Republican vote was diminished and in others the ratable increase was not so great as the Democratic. In the whole State the diminution of the Republican total was 3462, the increase of the Democratic over fifty thousand. Governor Ames and Senator Boutwell declared that the State had been carried by fraud and violence and Boutwell attempted to show, through an analysis of the vote by counties, that if there had been a free election, the legislature would have been Republican.[3] President Grant wrote on July 26, 1876, " Mississippi is governed to-day by officials chosen through fraud and violence such as would scarcely be accredited to savages, much less to a civilized and Christian people." Ames's is a natural statement of one who believed that he had been defeated unfairly while Grant's and Boutwell's are the ebullitions of partisans in a heated presidential campaign.[4]

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[1] Arkansas, Louisiana, Mississippi, Alabama, North Carolina, Georgia, March–July.

[2] The Cotton States in 1875, p. 80. Lamar wrote (probably in 1871), "We are grievously persecuted under the Ku-Klux law." Mayes, p. 166.

[3] Sept. 23, 1875, p. 193. This referred to the time when Williams was Attorney-General.

[4] John R. Lynch, coloured, was one of the Republicans elected; the other was an independent or anti-Ames Republican, supported by the Democrats.

Fraud was charged on both sides: from the character of the Republican officials, who were largely in control, it may be inferred that this was a game they could play at better than their Democratic opponents. That intimidation was a factor I think I have shown clearly enough; but a careful analysis of the vote and the evidence leads me to believe that, had the enlightened policy of Lamar and George been strictly adhered to, the Democrats would have carried the State and secured the legislature. Intimidation increased their majority and the number of their members of the legislature; it probably gained them the control of some counties. But without it the practical result would have been the same, as is evident from certain considerations. It was the first year that the Democrats of Mississippi had been thoroughly organized and united since 1868. The campaign was conducted with a vigour and enthusiasm that brought to the polls practically every white voter; and the political current in the whole country had since 1874 been setting against the Republicans. The split in the Republican party of Mississippi with its factional bitterness was another factor. Nor can doubt exist that many negroes voted with the Democrats from choice. Ex-Senator Revels and other prominent coloured men were leaders of this movement. After the election Revels wrote to President Grant that "masses of my people have been, as it were, enslaved in mind by unprincipled adventurers" who told them they must vote for candidates "notoriously corrupt and dishonest" as "the man who scratched a ticket was not a Republican. . . . To defeat this policy, at the late election, men, irrespective of race, color or party affiliation united and voted together against men known to be incompetent and dishonest."[1] Of 25 coloured members of the legislature, one was a Democrat and three were independent or anti-Ames Republicans.

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[1] Democratic report, p. lxxv.

[2] The Negro, p. 64, note.

[3] Garner, p. 403; Report, p. xxviii.

[4] The Boutwell report was presented to the Senate Aug. 7, 1876 and may be regarded as a campaign document.

In the presidential contest of 1876 and afterwards, when it was sought to fire the Northern heart to resist Democratic encroachments, a favourite watchword of the Republicans was that the Mississippi plan of campaign (and by implication that employed in other Southern States) was the plan of the shot-gun and Winchester rifle. But Mississippi people speak of the "Revolution of 1875" and they are nearer right. Whilst regretting some of the means employed, all lovers of good government must rejoice at the redemption of Mississippi.

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[1] Nov. 6, Garner, p. 399.

Ames held over but he was impeached by the new legislature in March 1876. There was arranged, however, a compromise in which Butler, his father-in-law, and Roger A. Pryor, a native Virginian, now a New York City lawyer and one of Ames's attorneys, bore a part. The legislature dismissed the charges of impeachment; Ames resigned. "He bore himself," wrote Pryor, "as a brave and honorable gentleman."[1]

Home rule was now complete. A Democratic House of Representatives admitted in December 1875 the Congressmen who had been chosen; a Republican Senate in March 1877 admitted Lamar, the senator elected by the legislature which had been returned in the autumn of 1875. No attempt was made by Federal authority to overturn the government ushered in by the Revolution.[2] In truth any serious move in that direction was impossible. From December 1875 to December 1889 the Republicans at no one time controlled together the presidency, the Senate and the House, and one reason of their partial exclusion from power was a conviction on the part of a great number of people that their Reconstruction policy had been a failure.

Since 1876 Mississippi has increased in population and in wealth; her bonded indebtedness and taxation are low. She has done much for education and in other ways has gone forward in the path of civilization. A contrast of 1868–1875 with the years succeeding will show how unpractical and unjust was the endeavour to found a State on universal negro suffrage in a community where the blacks exceeded the whites. It is noteworthy that the remembrance of the misery of carpet-bag-negro rule has tended to obliterate the memory of the war's distress. "Those pitiless years of reconstruction!" said Bishop Galloway in 1903. "Worse than the calamities of war were the 'desolating furies of peace.' No proud people ever suffered such indignities or endured such humiliation and degradation."[1]

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[1] Garner, p. 407. My authorities for this account are Garner; the Boutwell and the minority report of the Senate Committee on the Mississippi election of 1875; various testimony printed with the same; Nordhoff, The Cotton States in 1875; Bancroft, The Negro in Politics; Appletons' Annual Cyclopædia, 1875; *The Nation*, 1875; Life of Lamar, Mayes; Johnston in Miss. Hist. Soc. Pub. vol. vi.; Life of Bowles, Merriam, vol. ii.; Life of Morton, Foulke, vol. ii.; Barksdale in The Solid South; Yazoo, A. T. Morgan.

[2] Mississippi voted for Tilden in 1876 and ever afterwards for the Democratic candidates for the presidency.

Universal negro suffrage had a fair trial in Mississippi. Two coloured men of ability, Revels and Lynch, rose to the top as leaders. The three Republican governors were honest and capable. Ames's career was indeed a tragedy. His courage and devotion to the coloured people would have won him distinction had not the plan he set himself to work out been inherently bad. His government could not go on without concessions and rewards to the ignorant constituency whose brutish instincts prevented their developing political capacity and honesty. But the fault was neither his nor the negroes. The wrong had been committed by Congress, as was clearly appreciated by Powers, the second Republican governor of Mississippi, who had also been sheriff. After Republican rule was over, he wrote: "Had the plan of reconstruction been based on sound principles of statesmanship, its friends would have stood by it, and the long train of evil and suffering that resulted from it would have been avoided. Without justifying any of the crimes that were committed to overthrow reconstruction, it is eminently proper that the historian who writes for future generations should point out the crime concealed in the so-called congressional plan itself."[1]

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[1] Official Register of Mississippi, 1904, p. 618.

Even worse than that of Louisiana and Mississippi was the suffering of South Carolina. Worse indeed than the desolation of the war was that of the negro-carpet-bag rule from 1868 to 1874. And universal negro suffrage had a fair trial. The number of coloured men of the age of twenty-one and upward was 85,475 as against 62,547 white.[2] With rare exceptions the negroes could vote freely and fearlessly and it is undoubted that, at every election until 1876, the coloured men who went to the polls far outnumbered the whites. The legislature elected in 1868 contained 90 black to 56 white members;[3] that of 1870 about 91:61;[4] and the House [a thorough search having failed to discover the figures of the Senate] of 1872 had 94 black and 30 white representatives.[5] All the coloured men were Republicans. There were besides a number of white Republicans who voted with the negroes, so that the Republican majority was always large, and in 1872 overwhelming [126 Republicans: 31 Democrats].[6] The governor's office was left to the white men. An Ohio carpet-bagger served from 1868 to 1872, a native white South Carolinian, who acted with the majority, for the succeeding term of two years; both were men of bad repute. As the negroes came to realize that they furnished practically all the votes of the Republican party they demanded a larger share of the offices and, as a result of the election of 1872, there was a coloured Lieutenant-Governor, Treasurer and other State officials, President of the Senate and Speaker, Clerk and Chairman of the Ways and Means Committee of the House.[1]

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[1] Garner, p. 281.

[2] Census of 1870.

[3] Ku-Klux report, Testimony, S.C., pp. 1239, 1244–1248. After this count there remain one not specified and nine vacancies. The minority report, p. 529 gives 98 black to 57 white.

[4] Ibid., p. 5.

[5] The Prostrate State, Pike, p. 14.

[6] *Tribune* Almanac; Appletons' Annual Cyclopædia, 1874, p. 772.

Into such hands had the government of South Carolina fallen. Though an oligarchy before the war, it had been economical, pure, honest and dignified. Able men had sat in the governor's chair; the legislature was a creditable body. A prime requisite for any office in the State was integrity. And now for six years bribery, corruption and dishonesty ran riot.

It was an ingenious lot of rogues that went on robbing the State by about every known, tried, or possible method under a democratic form of government. Charters of incorporation had to be paid for and the ostensible development of the State lent itself to railroad-aid swindles. A Democratic member testified before the congressional committee that the legislature was known to be unblushingly in the market;[2] and Judge Carpenter, a Republican, held the belief in common with every intelligent man of South Carolina that "no bill having any other purpose than a mere public law could be passed in the legislature without bribery." This belief was based upon general information and the free admissions of interested men; of lobbyists and members of the legislature themselves. Indeed no secret was made of the fact that the legislature was for sale.[3] The Republican members of the Ku-Klux committee admitted that "venality and corruption in the legislature prevailed largely;"[4] but, ignoring the significant Republican majority they seemed to think they had shifted the responsibility by saying that "all parties" were concerned in the wickedness. This misleading statement is merely a bit of partisan recrimination, as the legislature of 1868 had 136 Republican members to 21 Democratic and that of 1870 a Republican majority nearly as great.[1] Two of the Republican members of the Ku-Klux committee told of a band of "Forty thieves" ["composed of members of both political parties and of both colors"] who held up every bill granting corporate privileges until they had received money for its passage.[2] The local officials were mainly incompetent and corrupt; malfeasance tainted the school system. Opportunities were made for spending money. For example a State census was taken in 1869 at great expense which was entirely unnecessary as the following year came the United States census under the direction of the accomplished superintendent Francis A. Walker. Newspapers were subsidized: this indeed was necessary for the maintenance of organs for a dominant party that had no reading public. And of course the ignorant and impoverished Republican voters were themselves cheated by the legislators whom they kept in power. Playing upon the laudable desire of the negroes to own land the legislature appropriated $700,000 to buy tracts of land in different parts of the State and resell it to the freedmen in small lots on long credit. The Land Commission overdrew their appropriation and failed to account for $224,000; they did however spend $577,000 for land. In Beaufort county they bought worn-out rice fields; in Charleston worthless land so remote from railway or water communication as to have no present value; in Chesterfield a vast sand bed not worth a dollar an acre which was put in to the State at over six dollars; in Colleton 53 lots abounding in "swamps, bays and ponds" and "better for fishing than farming purposes." In short nearly all the land was old and worn out or else new and swampy. Judge Carpenter doubted whether the whole amount saddled on the State at an exorbitant profit to the land-commission ring was worth $100,000, and he believed that not a hundred negroes were living on and cultivating this State-ring land.[1]

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[1] Pike, The Prostrate State, pp. 15, 45; Bancroft, The Negro, p. 30.

[2] Ku-Klux report, p. 87.

[3] Ibid., Testimony, S.C., p. 227.

[4] Ibid., p. 87.

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[1] *Tribune* Almanac; Ku-Klux report, Testimony, S.C., p. 81; Charleston *Courier*, Nov. 10, 1870. This does not quite agree with the previous statement but the difference is not essential.

[2] Ku-Klux report, p. 122.

Barbaric extravagance presided over the furnishing of the State Capitol. Sixteen hundred dollars went for 200 imported china spittoons. Clocks were bought at $480 each, chandeliers at $650 and French mirrors for the speaker's room at $750.[2] The private lodgings of negro members were furnished with Brussels and Wilton carpets, mirrors and sofas. A taste for flashy jewellery was gratified at the expense of the State.[3] Fraud and extravagance went hand in hand. The amounts of the bills were raised before they were approved and pay certificates issued therefor. In four years over $200,000 was paid out for furniture, the appraised value of which in 1877 was $17,715. Vicious, as well as criminal, practices were countenanced, were even paid for by the State. A bar was set up in a room of the State House and kept open from eight o'clock in the morning to the small hours of the next morning. It held liberal supplies of whiskey and cigars; also champagne, port and brandy at a cost for each of $40 a dozen. "Many of the members would be at the room before breakfast hunting a drink or eye opener" and for eighteen hours the carouse went on. State and national questions were discussed over too frequent glasses. The private supplies of wines and liquor for some of the more important members were included in the appropriation bills. A house of ill fame in the city of Columbia kept by a coloured woman was furnished at the expense of the State.[1] Disbursements exceeded appropriations. Moreover from October 1868 to October 1870 there were expenditures of $1,208,000 for which no vouchers could be found in the Treasury.[2]

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[1] Ku-Klux report, Testimony, S.C., p. 235; Pike, The Prostrate State, chap. xix.

[2] Ku-Klux report minority, p. 536.

[3] Ibid.; Report of the legislative committee (1877–1878) on frauds, pp. 14, 19.

The State was boldly mulcted of $1000 to reimburse the loser of a bet on a horse race. The bet was made by F. J. Moses Jr., the speaker of the House and Whipper a negro member, some of whose ill-gotten gains had been invested in fast horses. The House adjourned to see the race. Moses lost. Three days afterwards Whipper moved that "a gratuity of $1000 be voted to the speaker of this house for the dignity and ability with which he has presided over its deliberations"; and this motion was carried.[3] R. K. Scott was the Ohio carpet-bagger who was governor from 1868 to 1872, F. J. Moses Jr., a Jew, the native of South Carolina who served from 1872 to 1874. Both were corrupt and led their legislatures in stealing from the State. Associated with them in other executive offices were men of the same sort. An evidence of the pandering to the dregs of the community is the pardons granted to criminals. In his two terms Scott issued 579; Moses, in his one term, 457.[4] Referring to Scott's administration Judge Carpenter said in his testimony, "Men of the worst character, men who had committed the worst possible crimes were pardoned and turned loose to prey again upon the community." [5] The judge in sentencing to the penitentiary three county commissioners of Barnwell, who had been convicted of stealing the public money added, "if you are permitted to stay" and said further that he had "met parties in the streets a few weeks after he had sentenced them to the penitentiary."[1]

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[1] Report of the legislative committee (1877–1878) on frauds, pp. 9, 10, 17, 202.

[2] Ku-Klux report, minority, p. 534.

[3] Ibid., p. 539.

[4] Charleston *News and Courier* cited by Allen. Governor Chamberlain's administration in South Carolina, p. 287.

[5] Ku-Klux report, Testimony, S.C., p. 227. See Judge Poland's quasi-apology for these pardons. Pike, p. 236.

Daniel H. Chamberlain, an honest man who was Attorney-General of the State during the four years of Scott's administration, wrote to W. L. Trenholm on May 5, 1871: "Three years have passed and the result is what? Incompetency, dishonesty, corruption in all its forms, have 'advanced their miscreated fronts,' have put to flight the small remnant that opposed them, and now rule the party which rules the State. You may imagine the chagrin with which I make this statement. Truth alone compels it. My eyes see it — all my senses testify to the startling and sad fact. . . . I am a Republican by habit, by conviction, by association, but my republicanism is not, I trust, composed solely of equal parts of ignorance and rapacity."[2]

The taxable value of the property of South Carolina in 1860 exclusive of the slaves was 316 millions and the annual taxes $392,000; in 1871 the taxable property was 184 millions and the taxes $2,000,000. At the same time the debt kept on increasing. So confused or so cooked are the accounts that authorities differ as to the amount of the debt. But it is somewhere near the truth to say that the debt of less than 7 millions in 1868 had become by the end of 1871 nearly 29 millions actual and contingent.[3]

Those who levied taxes did not pay them. Few, if any of the office-holders and members of the legislature, possessed property of the smallest value when they went into office and they were sustained by the most ignorant and propertyless constituency that ever bore a share of government in our country. In the election of

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[1] *The Nation*, June 4, 1874, p. 355; also Carpenter's testimony, Ku-Klux report, S.C., p. 236.

[2] Testimony, S.C., p. 1251.

[3] Scott, The Repudiation of State Debts, p. 84; Pike, chap. xviii.

1868, when Scott was first chosen, there were according to the estimate of Chamberlain about 80,000 negro votes cast and 30,000 white men's: not more than 4000 or 5000 white men voted the Republican ticket.[1] In 1870, owing to an exciting contest, a large vote was cast, Scott receiving 85,000, which was almost the exact number of male negroes over twenty-one.[2] Carpenter thought that not more than 2000 or 3000 whites voted the regular Republican ticket.[3] If the count was fair, it follows that nearly every negro in South Carolina went to the polls giving Scott a majority of 33,000. Eighty-two thousand negroes and 3000 white men re-elected a governor, whom every man of common sense knew for a thief and chose a legislature certain to follow in the path of its predecessor which had outraged honesty and decency. But what else could have been expected of such a constituency? Seventy thousand eight hundred and thirty of the 85,475 negro voters were illiterate.[4] Judge Carpenter, who had been an officer in the Union army and moved to South Carolina in 1867, testified in 1871: "The colored population upon the seacoast and upon the rivers in point of intelligence is just as slightly removed from the animal creation as it is conceivable for a man to be. I venture to say that no gentleman here would be able to understand one of them upon the witness stand or would be able to know what he meant. I have had to exercise more patience and more ingenuity in that particular, to have more explanations and interpretations to find out what a witness meant to say, who had witnessed a murder, for instance, than to understand anything else in my life. They talk a very outlandish idiom utterly unknown to me. They are very ignorant and still have very strong passions, and these bad men lead them just as a man would drive or lead a flock of sheep."[1] James S. Pike of Maine, a strong anti-slavery man before the war and a consistent Republican during it, visited South Carolina in 1873 and wrote, "A large majority of all the voting citizens of the State are habitually guilty of thieving and of concubinage."[2]

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[1] Ku-Klux report, Testimony, S.C., p. 56; this is not accurate but gives an idea of the proportion. Scott received 69,693 votes; the Democratic candidate, 23,219, Report of Secretary of War, 1868, H. E. D., 40th Cong. 3d Sess., No. 1, vol. iii. part i. p. 522.

[2] Appletons' Annual Cyclopædia, 1870, p. 682; U. S. Census, 1870.

[3] Ku-Klux report, Testimony, S.C., p. 247.

[4] "Cannot write" is the term of the census report, but the literature of the subject goes to show that they could neither read nor write.

Given character and fitness as the proper tests for candidates for office, the negroes almost always voted wrong. In 1870 the candidates for governor were Scott and Judge Carpenter. Both were Republicans but Carpenter ran on the Reform ticket and was supported by the white people of intelligence and property but the bulk of the negroes voted for Scott who could not have been elected to the meanest State office in any State at the North. On one side the deepest corruption was certain, on the other the character of the candidate promised honesty; but the negroes were told that if Carpenter were elected he would reduce them to slavery or failing to do that he "would not allow their wives and daughters to wear hoop-skirts."[3] B. F. Whittemore, the carpet-bag representative of the first district of South Carolina in the national House, was found out in an extensive and unblushing sale of cadetships to the military academy at West Point and the naval academy at Annapolis and would have been expelled from the House had he not resigned. After his resignation he was censured by an imposing vote.[4] Whittemore did not deny selling the appointments but offered as his defence that he had not used the money received from them for his private purposes but had spent it for the relief of the people of his district. This satisfied his negro constituents who returned him by about 8000 majority but the House refused to allow him to take his seat.[1] In the autumn of that year he was elected to the South Carolina Senate from Darlington county by 1170 majority and still later was chosen by the legislature as one of the trustees of the State Agricultural College.[2]

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[1] Ku-Klux report, Testimony, S.C., p. 238.

[2] The Prostrate State, p. 70. From the context it is clear Pike meant a large majority of the negroes. Literally construed it might mean practically all the negroes which is an unjust aspersion.

[3] Ku-Klux report, Testimony, S.C., p. 238.

[4] 185 : 0, not voting 35.

In 1872 the negroes elected as governor F. J. Moses Jr., who, it was said, had won their favour by dancing at their balls.[3] That as Speaker of the House he was a notorious rascal proved no disqualification: he was chosen by a majority of 33,000.[4] His opportunities for stealing were not so good as those of his predecessor. Although the "people of South Carolina were almost model tax-payers and had promptly met every year the burdens imposed upon them"[5] the treasury was gutted and the credit of the State was gone. Moreover an amendment to the Constitution had been adopted which forbade any increase of the debt without the approval of two-thirds of the voters at a general State election.[6] But Moses in some degree made up for the lack of those opportunities, which Scott possessed, by selling pardons to criminals by the wholesale.[7] He was not renominated in 1874 owing to the opposition of some shrewd white leaders in South Carolina and of President Grant, for he had become known as "the robber Moses" and "the great South Carolina thief"; but still devoted to him were the convicts, the office-holders and the negroes.[1]

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[1] *Globe*, Feb., June 1870; *The Nation*, June 16, 1870, p. 376; New York *Tribune*, June 6, 1870. The population of the district by the census of 1870 was 105,661 black, 70,642 white. Excluding one county, where the population was about even, the vote at the State election of 1870 was 18,515 black, 11,463 white.

[2] Pike, p. 41.

[3] Ibid., p. 87.

[4] Appletons' Annual Cyclopædia, 1872, p. 738.

[5] *The Nation*, May 9, 1872, p. 299.

[6] Passed by the legislature March 13, 1872, ratified by popular vote, Oct. 18, 1872, reaffirmed by the next legislature Jan. 29, 1873 and declared a part of the Constitution. The article is printed in Appletons' Annual Cyclopædia, 1872, p. 733.

[7] Allen, p, 252.

The stream cannot rise higher than its source. The level of the constituency was reached by their representatives, and that was all: here were the floods of ignorance and dishonesty wonderfully mingled. *The Nation* asked of the Charleston *Daily Republican* how many members of the South Carolina legislature could read a page of *Pilgrim's Progress.* The *Republican* replied that "all but three members signed their names to the pay-rolls — the value of which, as an indication of the condition of their education, anybody who has ever seen the laborers' signatures to the pay-roll of any large public work will appreciate. As to their ability to read a page of the *Pilgrim's Progress* — about the easiest reading extant — the *Republican* says it cannot tell, 'never having heard any of them read from that particular book'; that they did not graduate at Harvard or Yale; but they could read a *Pilgrim's Progress* of their own quite similar to Bunyan's and eloquent; the story of a journey from the City of Destruction, fenced with slavery, to the celestial land of liberty, etc.'"[2] Another of these extraordinary apologies for ignorance when covered by a black skin is seen in the sincere expression of General Howard who passed through Columbia in August 1868. "The legislature is a remarkable one," he said. "There were more colored men in it than in that of North Carolina. There seemed more excitability here, and more people hanging about the building occupied as a State House who were without employment. There was here a little I thought of the appearance of a rider not yet used to the saddle. Yet I perceived that these men were in earnest. They were educating themselves to legislation by legislation. Every pulse of the heart of the majority beats for the flag, for the Union. And who would substitute for such a legislature even extraordinary ability and learning coupled with disloyal sentiments and intense conviction of the righteousness of State supremacy?"[1]

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[1] *The Nation*, Aug. 6, 27, 1874, pp. 81, 129, Sept. 17, p. 178.

[2] Ibid., June 16, 1870, p. 378.

James S. Pike, visiting Columbia in February and March 1873, vividly described the personnel of the South Carolina House as it issued forth of an afternoon after adjournment. About three-quarters, he wrote, "belonged to the African race. They were of every hue from the light octoroon to the deep black. . . . Every negro type and physiognomy was here to be seen from the genteel serving-man to the rough-hewn customer from the rice or cotton field. Their dress was as varied as their countenances. There was the second-hand black frock-coat of infirm gentility, glossy and threadbare. There was the stove-pipe hat of many ironings and departed styles. There was also to be seen a total disregard of the proprieties of costume in the coarse and dirty garments of the field; the stub jackets and slouch hats of soiling labor. In some instances, rough woollen comforters embraced the neck and hid the absence of linen. Heavy brogans, and short torn trousers it was impossible to hide. . . . These were the legislators of South Carolina. In conspicuous bas-relief over the door of exit, on the panels of the stately edifice, the marble visages of George McDuffie and Robert Y. Hayne overlooked the scene. . . . 'My God, look at this!' was the unbidden ejaculation of a low-country planter, clad in homespun, as he leaned over the rail inside the House gazing excitedly upon the body in session.

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[1] General Howard's Address in Sept., Washington *Chronicle*, Oct. 1, 1868.

". . . It is the spectacle of a society suddenly turned bottom-side up. The wealth, the intelligence, the culture, the wisdom of the State" are submerged. "In the place of this old aristocratic society stands the rude form of the most ignorant democracy that mankind ever saw, invested with the functions of government. It is the dregs of the population habilitated in the robes of their intelligent predecessors and asserting over them the rule of ignorance and corruption, through the inexorable machinery of a majority of numbers. It is barbarism overwhelming civilization by physical force. It is the slave rioting in the halls of his master, and putting that master under his feet. And though it is done without malice and without vengeance, it is nevertheless none the less completely and absolutely done."[1]

Of the 124 members of the House, 23 were Conservatives from the hill country where the proportion of negro voters was smaller than elsewhere in the State. "They are good-looking, substantial citizens," "men of weight and standing" at home. Powerless to resist the corrupt and ignorant legislation of their body, they could only sit silent and watch. "Grouped in a corner of the commodious and well-furnished chamber, they stolidly survey the noisy riot that goes on in the great black Left and Centre, where the business and debates of the House are conducted."[2]

In this body which "is at once a wonder and a shame to modern civilization" there were 101 Republicans, 94 coloured, 7 white. It is "almost literally a black Parliament." The Speaker, the clerk, the doorkeepers, the little pages, the chairman of the Committee of the Ways and Means, the chaplain — all are black. "At some of the desks sit colored men whose types it would be hard to find outside of Congo; whose costume, visages, attitudes and expression, only befit the forecastle of a buccaneer."[1] All with perhaps the exception of a half dozen had been slaves and their ancestors had been slaves for generations. In the legislative hall one is struck with "the endless chatter." There is no end to the "gush and babble" of the negro. "The intellectual level is that of a bevy of fresh converts at a negro camp-meeting. It is the doggerel of debate." The negro member is imitative, vivacious, volatile and good-natured. His misuse of language is ludicrous. At an anecdote or a joke he bursts into a broad guffaw. His harangue is incoherent; he repeats himself; he will speak a half dozen times on one question, saying the same thing over and over again.

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[1] Pike, pp. 10, 11, 12.

[2] Ibid., p. 13.

But the negro legislators were "quick as lightning at debating points of order." No one could speak five minutes without a question of order or privilege being raised; and "some of the blackest members" were adepts at this parliamentary practice. "Their struggles to get the floor, their bellowings and physical contortions, baffle description. The Speaker's hammer plays a perpetual tattoo all to no purpose." The Speaker orders a member to take his seat. He sits down "hiding himself from the Speaker by the soles of his boots." In an instant he again rises and again for a number of times. "The Speaker threatens, in a laugh, to call 'the gemman' to order. This is considered a capital joke and a guffaw follows. The laugh goes round and then the peanuts are cracked and munched faster than ever. . . . But underneath all this shocking burlesque upon legislative proceedings we must not forget that there is something very real to this uncouth and untutored multitude. . . . Seven [eight] years ago these men were raising corn and cotton under the whip of the overseer. To-day they are raising points of order and questions of privilege." They think that they can do one as well as the other and they prefer the work of legislation to work in the field, "It is easier and better paid." This experience in Columbia "is the sunshine of their lives. It is their day of jubilee. It is their long-promised vision of the Lord God Almighty."[1]

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[1] Pike, p. 15.

Here is an account of a debate on penitentiary appropriations in the same House. "Minort (negro): The appropriation is not a bit too large. Humbert (negro): The institution ought to be self-sustaining. The member only wants a grab at the money. Hurly (negro): Mr. Speaker: True — Humbert (to Hurly): You shet you myuf, sah! (Roars of laughter.) Greene (negro): That thief from Darlington (Humbert) — Humbert: If I have robbed anything, I expect to be Ku-Kluxed by just such highway robbers as the member (Greene) from Beaufort. Greene: If the Governor were not such a coward, he would have cowhided you before this, or got somebody else to do it. Hurly: If the gentleman from Beaufort (Greene) would allow the weapon named to be sliced from his cuticle, I might submit to the castigation."[2]

Such were the legislators — and we have seen what the Governors were — of this once proud community. Beverly Nash, a full-blooded negro six feet high, good-looking, with pleasant manners, who, as a former slave of W. C. Preston, had been a hotel bootblack and was now the leader of the Republican party in the South Carolina Senate[3] said in 1870: "The reformers complain of taxes being too high. I tell you that they are not high enough. I want them taxed until they put these lands back where they belong, into the hands of those who worked for them. You toiled for them, you labored for them, and were sold to pay for them, and you ought to have them."[1] In 1872 in Beaufort County 700 out of 2300 farms were forfeited on account of non-payment of taxes: in the whole State 268,523 acres. In the city of Charleston the taxes on improved real estate equalled the whole revenue from it.[2] The tax-payers of Charleston County had not a single representative in the legislature.[3]

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[1] Pike, pp. 19, 20, 21.

[2] Leigh, Ten Years on a Georgia Plantation, p. 290. See Andrew D. White's experience in 1873, Autobiography, vol. i. p. 175.

[3] Pike, pp. 34, 41.

Crowds of defiant negroes roamed "through the charred and desolate streets of Charleston yelling 'De bottom rail's on de top now and we's gwine to keep it dar!'"[4] What would the people of Massachusetts have done? asked the Democrats on the Ku-Klux committee. How would such negro shouts "through the staid and decorous streets of Boston" have sounded in the ears of her citizens? Although the two cities had been at antipodes on the question of slavery this juxtaposition was apt. Before the war Charleston and Boston were both cities of distinction in which there had been much in common. The well-to-do people were cultivated and refined; they loved books and fine paintings. The Charleston man indeed read rarely the literature of New England in this period of its flower for it was pervaded more or less with direct or indirect censures of slavery, but he absorbed the English writers of the eighteenth century, knew his Shakespeare and there were those among them who delighted in Montaigne. The Brahmins of Boston and the patricians of Charleston did not despise the pleasures of the table and it was not infrequently said that in their houses was served the best Madeira in the country.

It was long before efforts could be made that held out any promise of successfully overturning this corrupt and incompetent rule. It had been set up by an election [1868] which went Republican by default. The disfranchising provisions for voters of the Reconstruction Acts still held and the South Carolina people were so stunned at the social abyss yawning before them that a large number of those who were qualified did not go to the polls. Only 23,000 Conservatives voted for State officers and Scott was elected by a majority of 46,000. Two years of corruption under Scott and his legislature produced dissensions in the dominant party resulting in a Union Reform movement and the nomination for governor of Judge R. B. Carpenter, a Republican who contested the re-election of Scott. An exciting canvass ensued. Carpenter received the hearty support of the Conservatives but attracted few Republican votes, Scott being re-elected by 33,000 majority. Carpenter declared his belief that had the election been fair it would have been "a very close race"; he had no doubt that many of the votes for Scott were procured through intimidation and fraud. The Governor had organized 20,000 coloured men into state militia, furnished them with Winchester and Springfield rifles and just before election day distributed ammunition among them. Undoubtedly the main object of this was the protection of negro Republican voters but Carpenter charged that the troops were employed to intimidate negroes who desired to vote the Reform ticket. He said it was openly proclaimed during the canvass that negroes who carried out such a purpose would be shot; and he also maintained that the dominant party "stuffed" the ballot-boxes and manipulated the returns.[1]

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[1] Ku-Klux report, minority, p. 399.

[2] Report of Eldridge, House Committee on the Judiciary, No. 481, May 6, 1874; ibid., Potter and Ward, May 11.

[3] *The Nation*, May 28, 1874, p. 341; Pike, p. 49.

[4] Ku-Klux report, minority, p. 540.

Allowance must be made for the statements of a defeated candidate. While, in my investigation of Southern affairs, I have frequently come across evidence to the effect that negroes made threats against fellow-negroes, who announced their intention of voting with the Conservatives, I have paid little attention to it because of the patent fact that the coloured men almost unanimously desired to vote with the Republicans[1] whether out of gratitude or with an eye to the spoils or because it seemed to them that their salvation lay in voting in opposition to their former masters. Nevertheless the evidence of intimidation by negroes seems more credible in the case of South Carolina than of the other states, and this is perhaps accounted for by the presence there before the war of a large number of free negroes, who were property owners and may later have desired to vote with their fellow tax-payers.[2] The Scott party had all the election machinery and could easily have cheated by "stuffing" the ballot-boxes and falsifying records; and the large vote returned for Scott implies that something of the sort was done. But whatever intimidation and fraud there were could do no more than swell a majority already secure. So long as the full negro vote could be got out, the necessity for cheating did not exist as the reign of corruption and incompetence was sure to continue.

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[1] Ku-Klux report, S.C., Carpenter's testimony, pp. 227, 228, 229, 246.

"The riots at Laurens, Union Court-House and Chester,"[3] say the Democrats of the Ku-Klux committee, "were the direct and immediate consequence of placing arms in the hands of the negroes" and constituting them the militia of South Carolina. This seems a logical conclusion. Of a like attempt of James II at the subjugation of the English by bringing over Irish troops Macaulay wrote, "The English felt as the white inhabitants of Charleston and New Orleans would feel if those towns were occupied by negro garrisons."[1] When Macaulay penned those words, he little thought that within twenty-two years' time his extreme imagined case would become hard matter of fact. On election day in 1870 in the neighbourhood of Charleston the coloured "military companies were out, armed, with their rifles loaded."[2] "Nothing can well justify mob law," said *The Nation*, "but when a civilized community finds itself subjected to the rule of its most ignorant members, aided or managed by knavish adventurers, all rational men know that mob law is not unlikely to result."[3]

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[1] The facts stated in connection with the Louisiana election of 1872 and the Mississippi election of 1875 are, I think, sporadic exceptions rather than an invalidation of the general rule.

[2] Ku-Klux report, S.C., Wade Hampton's testimony, p. 1230. See two instances of this intimidation which Hampton saw, p. 1228. Schurz said in the Senate Jan. 11, 1875: "I cannot forget, and it stands vividly in my recollection, that the only act of terrorism and intimidation I ever happened to witness with my own eyes was the cruel clubbing and stoning of a colored man in North Carolina in 1872 by men of his own race, because he had declared himself in favor of the Conservatives; and if the whole story of the South were told it would be discovered that such a practice has by no means been infrequent." *Cong. Record*, p. 369.

[3] Race conflicts in which the negroes got the worse of it occurring respectively Oct. 20, 1870, the day after the election and in Jan. and March 1871, Ku-Klux report, pp. 30, 36, 40, 548 *et seq.*

What an opportunity was here for President Grant had he but been moved by the spirit of his report of December 1865![4] But he saw things awry, confounding the acts of hot-headed young men and desperadoes with the respectful protests of citizens of intelligence and property. His policy towards the prostrate State was stern repression. Largely because of the disturbances in South Carolina which were attributed to the operations of the Ku-Klux-Klan he asked Congress for extraordinary powers which were given him in the Ku-Klux Act of April 20, 1871: towards South Carolina these were employed with rigour.[1]

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[1] Chap. ix. in vol. ii. published in 1848.

[2] Ku-Klux report, S.C., Carpenter's testimony, p. 229. "Matches are cheap," said in haranguing the negroes the "brazen-fronted scalawag" Joe Crews, a negro driver in the days of slavery. A line of burning cotton-gin houses, barns and dwellings was the result. Ku-Klux report *passim*, minority, pp. 545, 558; Pike, pp. 224, 225.

[3] March 9, 1871, p. 150. I must emphasize the fact that *The Nation* though independent inclined to the Republicans. It supported Grant for the presidency in 1868 and 1872 and Hayes in 1876. *The Nation* said June 16, 1870, p. 378: We advocated "the extension of the suffrage to the blacks as an essential feature of reconstruction. . . . We believe still . . . that it was the best if not the only course open to Congress."

[4] Vol. v. p. 551.

In 1871 Governor Scott and his legislature quarrelled. They charged him with misuse of the public funds and he intimated that they were corrupt.[2] In December the quarrel came to a head in the threatened impeachment of Scott and the Treasurer of the State [Niles G. Parker] for fraud in connection with an issue of bonds.[3] The anxious Scott by turns threatened and cajoled the members. At an evening conference Speaker F. J. Moses Jr. who was opposed to impeachment, lest it should disrupt the party assured Scott of his support and next day by certain parliamentary rulings brought the House to a vote at a time when the Governor felt sure of his majority. Impeachment was beaten. By a free use of money Scott had purchased enough votes of members to save himself; and he gave Moses $15,000 for his aid.[4]

In 1872 the regular Republican convention nominated F. J. Moses Jr. for governor; a number of bolters from it put Tomlinson into the field. The Conservatives made no nomination and gave Tomlinson but half-hearted support, partly because they had lapsed into a "sullen and despairing indifference" and partly because they did not wish to associate with some Republican rascals who were among the bolters.[1] Pike during his visit in February and March 1873 found the South Carolina people "gloomy, disconsolate, hopeless." "The gray heads openly profess that they look for no relief. They see no way of escape. The recovery of influence, of position, of control in the State, is felt by them to be impossible. They accept their position with a stoicism that promises no reward here or hereafter. They are the types of a conquered race. They staked all and lost all. Their lives remain, their property and their children do not. War, emancipation and grinding taxation have consumed them. Their struggle now is against complete confiscation." [2]

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[1] *Ante.*

[2] Pike, p. 244.

[3] Appletons' Annual Cyclopædia, 1871, p. 700; Report of joint financial investigating committee, p. 267; House Journal, pp. 102, 166; Reports of General Assembly, 1871–1872, pp. 901–903.

[4] Testimony of F. J. Moses before Investigating Committee of Legislature, Oct. 19, 1877, Report on the Impeachment Swindle, p. 19; Appletons' Annual Cyclopædia, 1871, p. 700. The vote [Dec. 22, 1871] for impeachment of Scott was 32 : 63, of Parker 27 : 63; House Journal, pp. 177, 178, 181, 184, 185; Hemphill, Why the Solid South, p. 95; *The Nation*, Nov. 30, 1871, p. 345, Jan. 4, Feb. 1, March 14, 1872, pp. 2, 66, 163. Jan. 24, 1872 another motion to impeach the governor was voted down. House Journal, pp. 303, 304.

But unexpected relief came from another quarter. In 1874, Daniel H. Chamberlain was elected governor by the regular Republicans receiving a majority of 11,500 over the Liberal Republican candidate who was supported by the Conservatives. A lively interest was taken in the election, and the largest vote since the beginning of Reconstruction was brought out. The opposition made considerable gains in the legislature.

Chamberlain was born in Massachusetts in 1835; as a boy he had to work on his father's farm to help in the support of a large family, and later he taught school in order get the necessary money to prepare for college. Thus belated in his entrance he was twenty-seven years old when he graduated from Yale. Thence he went to the Harvard Law School but did not complete the course: his strong anti-slavery sentiment imbibed at fifteen took him to the war and he went out as lieutenant in Colonel Henry S. Russell's regiment of coloured volunteers. Soon after the close of hostilities, he made an unsuccessful venture in cotton planting on the Sea Islands near Charleston. He was elected a member of the South Carolina Constitutional convention of 1868 and served under the new government for four years as Attorney-General.[1] Despite his manly utterance of 1871,[2] he had apparently been so closely associated with the Scott régime that, although he had talked reform during the election canvass, he had not convinced the people of intelligence and property of his sincerity. Scott and Moses, they said, "prated of economy and honesty but when they met their radical associates they smiled as the augurs smiled."[3]

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[1] The vote fell off considerable from 1870 but Moses received 33,000 majority and the House which Pike has so graphically described was chosen. *The Nation*, Aug. 29, Oct. 10, 1872, pp. 130, 226; Appletons' Annual Cyclopædia, 1872, p. 736.

[2] Pike, p. 14.

But the good government men did not then understand Chamberlain. "Who does not know that the presence of one honest man puts to flight a band of robbers?" he said in the Tax-Payers' Convention of 1871 and his administration was an exemplification of these words. The tone of his inaugural address which outlined his policy was different from the hypocritical professions of his predecessors. Men who thought no good thing could come out of the Southern Republican party had their eyes opened. The conservative press of South Carolina uttered words of cheer and most of the Northern newspapers from Maine to California spoke with encouragement urging him to pursue the path he had clearly defined.[4]

A large portion of the party which had chosen Chamberlain did not like his straightforward and honest address. Still less did they like his action. Chamberlain had been in office only eleven days when the first collision came. The legislature elected the judges and, for a vacancy which had occurred in the Charleston circuit, the Republicans nominated W. J. Whipper, an unscrupulous negro politician, lacking professional attainments, a man "notorious in evil."[1] Previous to the election it was the custom for the members of the legislature to meet in public assembly and hear addresses from the candidates who were to be voted for on a later day. To this meeting Governor Chamberlain went and, after the three candidates had spoken, he took the floor and gave his hearers plainly to understand that in point of ability and character he considered Whipper quite unfit for the position of judge and that of the three he favoured Colonel Reed who by a union of reform Republicans and Conservatives was subsequently elected. The momentum of this act defeated somewhat later the choice of ex-Governor F. J. Moses Jr. as judge of the third circuit.[2]

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[1] Biographical Sketch, Governor Chamberlain's Administration in S.C., Allen, p. 524.

[2] *Ante.*

[3] Charleston *News and Courier* cited by Allen, p. 74.

[4] Allen, p. 34.

In January, 1875, the Governor sent to his legislature a special message full of "wise, prudent and just" recommendations.[3] In the appointment of Trial Justices he named Conservatives in localities where he was not able to find sufficiently well-qualified Republicans. An outbreak of the usual sort occurring in Edgefield County, he caused it to be investigated and when the report came that it was due to the exactions of the county authorities and "the lawless behavior of the colored militia" he at once disbanded those companies of the State troops.[4] The Republican corruptionists attempted to remove the State Treasurer Cardozo, a light mulatto of good ability, whom Chamberlain believed to be an honest and faithful administrator. The Governor stood manfully by his friend and supporter and his position served as a rallying point for the reform Republicans and Conservatives who between them defeated the attempt.[5]

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[1] Allen, p. 38; *The Nation*, Oct. 10, 1872, p. 226.

[2] Allen, chap. iv.

[3] Charleston *News and Courier* cited by Allen, p. 62.

[4] Allen, p. 66.

[5] Ibid., chap. vii.; Reynolds, Reconstruction in S.C., p. 298 *et seq.*

Between March 4 and 18, 1875 the Governor vetoed four bills of plunder; his record for the session was nineteen effective vetoes. He refused to sign the extravagant annual Tax and Supply bill and it did not become a law. Significant and welcome was the praise of the Charleston *News and Courier*, an able, high-toned journal, characteristically Southern, at times intensely partisan, almost autocratic in its influence in South Carolina and now rising to a height of civic patriotism which rendered its utterances a vivid and accurate history of Chamberlain's administration.[1] Chamberlain, it said May 14, 1875, "is as true as steel in the fight against public dishonesty. . . . It is due to Mr. Chamberlain that for the first time in six years there was no considerable stealing during the legislative session, and that not one swindling bill became a law." It alluded to his "scholarly messages, his patriotic utterances, his unfailing tact and courtesy. . . . In the light of his acts since he has been governor, we say now that, however much appearances were against him, it is morally impossible that he should have been either facile or corrupt. . . . Governor Chamberlain therefore richly deserves the confidence of the people of this State. The people of South Carolina who have all at stake, who see and hear what persons outside of the State cannot know, are satisfied of Governor Chamberlain's honesty. . . . When he determined to oppose a square front to corruption in whatsoever guise, he knew that he must, on that, cut loose from the rogues who ruled the Republican party up to the time of his election, and that upon him would be poured out the seventy and seven vials of wrath. It would have been supreme folly to provoke their hate if there was anything in his previous conduct that could expose him to ignominy and public shame. . . . By and with the aid of the Conservatives Governor Chamberlain and the small band of honest Republicans defeated the thieves in every engagement. But the men whom he has thrown down, and who did not want or expect reform, are wild with rage and despair."[1]

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[1] Allen, p. 77.

Chamberlain won the admiration of the North and received the honour of an invitation to speak at the dinner of the Centennial celebration at Lexington, April 19, 1875. At the same dinner, General William F. Bartlett, one of the bravest of Massachusetts soldiers who had gone to Virginia to live, made a moving plea for a complete reconciliation between the South and the North.[2] Chamberlain offered to his fellow-citizens "the fraternal, patriotic greeting of South Carolina. She marches again to-day to the music of that Union which a hundred years ago her wisdom helped to devise and her blood to cement."[3] It was a day for invoking the common memories of the Revolution. He quoted Bancroft, "The blessing of union [of the colonies] is due to the warm-heartedness of South Carolina" and he might have added the words of Daniel Webster, "I claim part of the honor, I partake in the pride of her [South Carolina's] great names. I claim them for countrymen, . . . Americans all, whose fame is no more to be hemmed in by State lines, than their talents and patriotism were capable of being circumscribed within the same narrow limits. In their day and generation they served and honored the country, and the whole country; and their renown is of the treasures of the whole country." [1]

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[1] Allen, pp. 106, 107. Chamberlain said in May 1875: "When I came into office there were at least two hundred Trial Justices in the State who could not read or write. The duties of a Trial Justice here are precisely the same as the duties of Justice of the Peace in other States. Yet previous Governors had appointed and commissioned over two hundred men to the important duties of this office who could not write or read a word of the English language." Ibid., p. 140. Reynolds (Reconstruction in S.C., p. 300) wrote, "The course of Governor Chamberlain . . . was heartily commended by numbers of the conservative papers in South Carolina and by leading journals, without regard to politics, in other parts of the country."

[2] Memoir of Bartlett, Palfrey.

[3] Allen, p. 125.

This was a bright episode in Chamberlain's life and it was succeeded by others of the same sort during the spring and summer when he spoke to the intelligence of other communities. In November, he had again to take up the fight against corruption from which a man of less physical and moral courage would have shrunk. Eight judges were to be elected by the legislature and in his annual message he uttered a word of caution: "Legal learning, a judicial spirit, and a high and unblemished personal character," he said, "should mark every man who shall be elected to sit in the seats of Harper and Dunkin, of O'Neall and Wardlaw. If all these qualities are not attainable, *let the one quality of personal integrity never be lost sight of*." [2] One day, while he was absent from Columbia, Whipper was chosen judge for the first (Charleston) circuit by 83 : 58 and Moses for the third (Sumter) circuit by 75 : 63. It will add to our understanding of the situation to mention the divisions of party and colour in the legislature. There were now 104 Republicans, 53 Democrats; 77 coloured men out of the total of 157.[3] We may be sure that nearly all the negroes voted for Whipper and Moses and all the Democrats against them. The election took place on a Thursday [December 16, 1875] and on the following Sunday Chamberlain took up the cudgels. In an interview with the editor of the Charleston *News and Courier*, he said Whipper was "incapable and utterly unfit for the office of Judge." Moses had been deep in corruption and bribery and had prostituted "all his official powers to the worst possible purposes." [4] Chamberlain signed the commissions of six judges; having a technical point of law on his side he refused to sign the commissions of Whipper and Moses. His action was approved by the bar and other notables of Charleston. A mass meeting in that city declaring enthusiastic approval was followed by others throughout the State. During this crisis, Chamberlain was invited to the banquet of the New England Society in Charleston on Forefathers' Day [December 22, 1875] and he replied in the despatch which has become famous as summing up the result of negro-carpet-bag rule at the South: "The civilization of the Puritan and the Cavalier, of the Roundhead and the Huguenot, is in peril."[1]

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[1] Works, vol. vi. (edition of 1903), p. 49.

[2] Allen, p. 193.

[3] Ibid., p. 9.

[4] Ibid., chap. xiii.

"My highest ambition as governor," Chamberlain said, "has been to make the ascendancy of the Republican party in South Carolina compatible with the attainment and maintenance of as high and pure a tone in the administration of public affairs as can be exhibited in the proudest Democratic State of the South."[2] With the majority of his party against him, with its brutal rank and file blindly or selfishly tolerating their corrupt representatives, such a consummation could not be, as he himself years afterwards admitted.[3] During his canvass in 1874 he had said: "The work of reform will be a constant struggle. . . . If in my two years as Governor I can even 'turn the tide,' I shall be more than rewarded."[4] This indeed he accomplished. He began the redemption of South Carolina; it was completed under Democratic auspices. The story of the transference of political power to the Democrats belongs to the presidential campaign of 1876 and the disputed presidency.[5]

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[1] Allen, p. 200. See the whole of chap. xiii. Whipper and Moses threatened to force their way to the bench. The Governor made ready to repel force by force and no attempt was made to carry out the threat.

[2] Ibid., p. 196.

[3] *Atlantic Monthly*, April 1901, p. 482.

[4] Allen, p. 283.

[5] In this account I have used the New York *Nation;* Appletons' Annual Cyclopædia for the various years; Bancroft, The Negro; Hemphill's article in Why the Solid South; Reynolds, Reconstruction in South Carolina, more than the precise references indicate.

No large policy in our country has ever been so conspicuous a failure as that of forcing universal negro suffrage upon the South. The negroes who simply acted out their nature were not to blame. How indeed could they have acquired political honesty? What idea could barbarism thrust into slavery obtain of the rights of property? Even among the Aryans of education and intelligence public integrity has been a plant of slow growth. From the days of the Grecian and Roman republics to our own, men have stolen from the State who would defraud no individual. With his crude ideas of honesty between man and man, what could have been expected of the negro when he got his hand in the public till? The scheme of Reconstruction pandered to the ignorant negroes, the knavish white natives and the vulturous adventurers who flocked from the North; and these neutralized the work of honest Republicans who were officers of State. Intelligence and property stood bound and helpless under negro-carpet-bag rule. And the fact that such governments continued to exist, were supported by Federal authority and defended by prominent Republicans had a share in the demoralization of politics at the North. Senator Morton represented the radical view when he declared, "I have no faith in that virtue which assails with fury, fraud and corruption but connives at murder, outrage and oppression."[1] More moderate Republicans, aghast at the corruption prevailing in the Southern governments, lulled an uneasy conscience with the assurance that the Southern people had brought the trouble upon themselves — an assertion which seemed to justify them in sticking to their party when it "waved the bloody shirt" as an issue in an exciting presidential campaign. Full relief could only come through the Democrats and Independent Republicans of the North and it required a remarkable balance of mind to support Hayes as Lowell did in 1876 and at the same time take a just view of the Southern question. "The whole condition of things at the South is shameful," he wrote, "and I am ready for a movement now to emancipate the whites. No doubt the government is bound to protect the misintelligence of the blacks, but surely not at the expense of the intelligence of men of our own blood. The South on the whole has behaved better than I expected but our extremists expect them to like being told once a week that they have been *licked*."[1]

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[1] Life of Morton, Foulke, vol. ii. p. 369; *Cong. Record*, Jan. 19, 1876, p. 498.

From the Republican policy came no real good to the negroes. Most of them developed no political capacity, and the few who raised themselves above the mass did not reach a high order of intelligence. At different periods two served in the United States Senate, thirteen in the House;[2] they left no mark on the legislation of their time; none of them, in comparison with their white associates, attained the least distinction. When the Southern States recovered home rule, negroes were of course no longer sent to Congress from the South but they have had a fair chance at the North where they obtained the suffrage in every State within a few years after the Civil War. Politically very active and numerous enough in some of the Northern States to form a political force, that has to be reckoned with, no one of them (I believe) has ever been sent to Congress; few get into legislature or city council. Very few if any are elected to administrative offices of responsibility.[3] The negro's political activity is rarely of a nature to identify him with any movement on a high plane. He takes no part in civil service or tariff reform; he was not a factor in the contest for honest money; he is seldom, if ever, heard in advocacy of pure municipal government and for him Good Government Associations have no attraction. He is greedy for office and emolument; it is for this reason that he arrogantly asserts his right to recognition; and he has had remarkable success in securing offices under the Federal government.[1] In a word he has been politically a failure and he could not have been otherwise. In spite of all the warnings of science and political experience,[2] he was started at the top and, as is the fate of most such unfortunates, he fell to the bottom.

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[1] July 12, Lowell's Letters, vol. ii. p. 174.

[2] Progress of a Race, Gibson and Crogman, p. 719, corrected by Matteson. Blaine, vol. ii. p. 305 furnishes the portraits of five. The maximum number was reached in the 44th Cong. (1875–1877), when there were seven representatives and one senator.

[3] These statements receive a melancholy confirmation from an analysis of Sinclair's "achievements of the colored race" in this particular and an adding up of his instances. The Aftermath of Slavery, p. 274.

Truly the negro's fate has been hard. Torn from his native land he was made a slave to satisfy the white man's greed. At last, owing to a great moral movement, he gained the long-wished-for boon of freedom; and then when in intellect still a child, instead of being treated as a child, taught gradually the use of his liberty and given rights in the order of his development, he, without any demand of his own, was raised at once to the white man's political estate, partly for the partisan designs of those who had freed him. His old masters, who understood him best and who, chastened by defeat and by adversity, were really his best friends, were alienated. He fell into the hands of rascals who through his vote fattened on the spoils of office. He had a brief period of mastery and indulgence during which his mental and moral education was deplorable and his worst passions were catered to. Finally by force, by craft and by law his old masters have deprived him of the ballot and, after a number of years of political power, he has been set back to the point, where he should have started directly after emancipation. He is trying to learn the lesson of life with the work made doubly hard by the Saturnalia he has passed through.

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[1] According to Sinclair's table (The Aftermath of Slavery, p. 277) there are 4610 coloured employees in the service of the United States government. The contrast with the number elected is remarkable and suggestive.

[2] Lowell wrote to Godkin, Jan. 1, 1869: "This theory of settling things by what anybody may choose to consider 'humanity,' instead of trying to find out how they may be settled by knowledge, is a fallacy too common in this country." Letters, vol. ii. p. 14.

The Congressional policy of Reconstruction was short-sighted even from the partisan point of view in that it gave the South a grievance. In that balancing of rights and wrongs, which must be made in a just consideration of a great human transaction, the North at the end of the war could appeal to Europe and to history for the justification of its belief that there was on its side a large credit balance. Some of this it has lost by its repressive, uncivilized and unsuccessful policy of Reconstruction. Moreover the close sequence of events has led the South to regard negro rule as the complement of emancipation with the result that she has sometimes lost sight of the benefit of the great act which gave freedom to the slaves.

An avowed aim of the Congressional policy of Reconstruction was to build up a Republican party at the South. Here was a failure complete and an opportunity missed. The nucleus of a Republican party was there in the old-line whigs and Union-men-who-went-with-their-State. How formidable these were may be seen by an examination of the popular vote of 1856 and 1860 and reckoning the supporters in the Southern States of Fillmore in one year and of Bell and Douglas in the other. At the end of the war they were ready to act in opposition to the secession Democrats and fire-eaters [who mainly voted for Breckinridge in 1860[1]] but the policy of Congress, which raised the race issue, consolidated all the white men into one party for self-protection. Some Southern men at first acted with the Republican party but they gradually slipped away from it as the colour line was drawn and reckless and corrupt financial legislation inaugurated.[1] No doubt can exist that, if negro suffrage had not been forced upon the South, a healthy and respectable Republican party would have been formed, attaining perhaps the power and influence which the Democrats have in New England and in contests like those of 1896 and 1900, furnishing electoral votes for the Republican presidential candidate. And so far as we can divine, had the matter been left to the States themselves, suffrage by this time[2] would have been fully accorded to the negroes on the basis of educational and property qualifications.

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[1] In the ten states which, with South Carolina, made up the Southern Confederacy the vote in 1860 for Bell and for Douglas aggregated 418,003, for Breckinridge 436,772. South Carolina cannot be included as she cast no popular vote for president. She would have given a very large majority for Breckinridge. Bell's vote in the Southern States was much larger than Douglas's.

What manner of people were they with whom the North had to deal at the close of the war? Let them be described by George F. Hoar, always a stiff Republican partisan on the Southern question. Fresh from his visit to New Orleans in 1875, he wrote: The Southern men "were unsurpassed among the nations of the earth in courage, spirit, hospitality and generosity to their equals. They were apt to command and apt to succeed. . . . They were able politicians. With the love and habit of truth which becomes brave men in all common concerns, they were subtle and skilful diplomatists when diplomacy was needed to accomplish any political end. . . . On the other hand they were domineering, impetuous, impatient of restraint, unwilling to submit to any government which they did not themselves control, easily roused to fierce anger, and when so roused, both as individuals and in masses, cruel and without scruple."[3] Eliminating the word "cruel," this is a true characterization of Southern men during the decade before the war but the lessons of adversity had cooled their temper without detriment to their manliness, instilling toleration where arrogance had been before. An appreciation of this change is found in Hoar's characterization of eight years later and in the repetition of it after twenty years more as an abiding conviction. "Although my life politically and personally," he wrote, "has been a life of almost constant strife with the leaders of the Southern people, yet, as I grow older, I have learned, not only to respect and esteem, but to love the great qualities which belong to my fellow-citizens of the Southern States. They are a noble race. We may well take pattern from them in some of the great virtues which make up the strength, as they make the glory of Free States. Their love of home; their chivalrous respect for woman; their courage; their delicate sense of honor; their constancy which can abide by an opinion or a purpose or an interest of their States through adversity and through prosperity, through the years and through the generations, are things by which the people of the more mercurial North may take a lesson. And there is another thing — covetousness, corruption, the low temptation of money has not yet found any place in our Southern politics."[1]

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[1] See Blaine's lament for the loss of the original Union men, vol. ii. p. 473.

[2] 1906.

[3] House report, submitted Feb. 23, 1875, p. 7.

These were the men we delivered over into the hands of the negroes and their partisan or corrupt leaders. But adversity did not crush them. President F. A. P. Barnard of Columbia College, a man who knew both the South and the North, wrote on February 16, 1878, "It is indeed a marvellous thing how, after her trials, the South still continues to maintain her noble pre-eminence in statesmanship and in moral dignity."[2]

Imaginary comparisons with other civilized governments are sometimes useful. It seems to me certain that in 1865–1867 England or Prussia under similar circumstances would not so summarily have given the negroes full political rights. More than likely they would have studied the question scientifically through experts and therefore could not have avoided the conclusion that intelligence and the possession of property must precede the grant of suffrage. Their solution of the difficulty would therefore have been more in the interest of civilization. The words of Parkman, "The lion had had his turn and now the fox, the jackal and the wolf took theirs,"[1] could not have been applied. On the other hand, with the ideas which prevail in those countries concerning rebellion against an established government, England and Prussia would undoubtedly have executed Jefferson Davis and others and confiscated much of the Southern land. The good nature and good sense of the American people preserved them from so stern a policy; and as a choice of evils (since mistakes it seems were sure to be made) the imposition of negro suffrage was better than proscriptions, and the creation of an Ireland or a Poland at our very door.

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[1] Autobiography, vol. ii. p. 162.

[2] Life of A. H. Stephens, Johnston and Browne, p. 538.

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[1] Life of Parkman, Farnham, p. 275. The words were used in a somewhat different application.

Note to Page 149. — Since this chapter was in type Judge W. C. Benet of Columbia, S.C. has informed me that the inference Carpenter drew from the "outlandish idiom" was unwarranted. The language of the seacoast negroes was a patois arising from their inability to pronounce many of the English consonantal and some of the vowel sounds. It was not gibberish, was well understood by white men of South Carolina birth and breeding, living in the seacoast counties, and the use of it implied no lack of intelligence or fidelity.

CHAPTER XLIII

It will be remembered that in my Fortieth Chapter I gave some account of the discussion and action of Congress on finance, following the financial panic of 1873. These terminated in the "Act to provide for the resumption of specie payments" of January 14, 1875, which was fathered by Senator John Sherman. The contest on the financial question was now transferred from Congress to the people of Ohio. Since Pendleton had raised the "greenbacks" banner and promulgated the "Ohio idea" the Democrats in this State had inclined to unsound principles of finance. The continued stagnation of business, the large number of bankruptcies in 1874 and 1875,[1] gave them a vantage-ground from which to attack the policy of the Republican party as embodied in the Resumption Act. Nominating for governor the present incumbent, William Allen, they adopted in their convention this resolution: "that the contraction of the currency heretofore made by the Republican party, and the further contraction proposed by it, with a view to the forced resumption of specie payment has already brought disaster to the business of the country, and threatens it with general bankruptcy and ruin. We demand that this policy be abandoned, and that the volume of currency be made and kept equal to the wants of trade, leaving the restoration of legal-tenders to par with gold to be brought about by promoting the industries of the people and not by destroying them."[1] The Republicans did not formally endorse the Resumption Act but declared "that policy of finance should be steadily pursued which, without unnecessary shock to business or trade, will ultimately equalize the purchasing capacity of the coin and paper dollar."[2]

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[1] Appletons' Annual Cyclopædia, 1875, p. 292; *The Nation*, July–Dec. 1875, p. 81.

The candidate of the Republicans, Rutherford B. Hayes, was better than their platform. He was well known as an advocate of honest money and of a straightforward payment of the national debt. Allen had represented Ohio in the United States Senate from 1837 to 1849 but had afterwards remained aloof from active political life until 1873 when, an "old Democratic wheel horse" being needed, he was dragged forth from his retirement and elected governor by a small majority, but, being the first Democratic governor of his State since the Republican party was formed, he had attracted some attention outside of its limits. He was a man of integrity and fair ability, as well as an effective stump-speaker, especially conspicuous by reason of his powerful and penetrating voice. In Washington he had been known as the "Ohio gong"; in this campaign his opponents called him "fog-horn William Allen." He believed thoroughly in the financial plank of the platform on which he stood and he advocated it with an earnestness that was convincing. He and his followers early took the field, assumed the aggressive and endeavoured to force the canvass upon the single issue, "whether Congress shall make money plenty or scarce; whether it shall make good times or hard times; whether it shall issue to people plenty of their own money — greenbacks — or take these away, to give to banks the privilege to issue money."[3] The Republican party, they asserted, is devoted to the bond holders, the banks, capitalists, money lenders, property classes and to creditors of all sorts, but we regard the interests of the people; and for your votes they said in their appeals, we offer you "plenty of greenbacks and good times." It would be a mistake to suppose that this was entirely the talk of demagogues; in many cases the speakers firmly believed that farmers, labourers and business men, whose only fault had been that of energy which took them beyond their financial depth, were being ground down by the money classes of the country, whose efficient agent was John Sherman with his Resumption Act and the contraction of the currency which it necessarily involved. Their arguments were potent, not only with Democrats but with many Republicans, who saw their property constantly dwindling, their opportunities for making money vanishing; who, harassed with debts, believed that the dollars in which these were expressed grew more valuable every day as that fateful 1st of January 1879 drew nigh. The Democratic platform was artfully contrived to catch these men; and at meetings in every part of the State, it was being expounded in a way that carried conviction and gained votes. Hayes and John Sherman met the issue boldly and defended the Resumption Act, which, they argued, did not involve a contraction of the currency. Hayes laid stress on the part which the revival of business would play in bringing the greenbacks to par with gold and Sherman asserted that the resumption of specie payments would effect the best sort of inflation, that of gold coin mingling with the paper money in daily use.

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[1] Appletons' Annual Cyclopædia, 1875, p. 607.
[2] Ibid., p. 606.
[3] *The Nation*, Aug. 19, 1875, p. 117.

The political battle-ground of Ohio had seen no such spirited contest since the close of the war; the importance of the issue and the earnestness with which it was discussed caused people of all the Northern States to look on with a feeling that the financial policy of the country was at stake in this election. Prominent men of both parties flocked to Ohio and presented their arguments before crowded meetings, held daily and nightly everywhere. Thurman advocated Allen's election and "straddled" the Democratic platform in a way that satisfied neither wing of his party and probably not himself. McDonald, a hard-money Democrat, came from Indiana to show the Democrats of his own way of thinking how they might consistently support their party. Morton, who likewise took part in the campaign, defended the Resumption Act but appealed to the "soft money" Republicans by pointing out the dreadful consequences of the dominion of a party, composed largely of men who had fought against the Union. The Cincinnati *Enquirer*, the leading Democratic organ, charged him with introducing into the canvass "the bloody shirt." Schurz was called home from a well-earned rest in Switzerland to use his eloquence on the side of honest money. He spoke constantly all over the State in English and in German, showing a power never before equalled (I think) of placing cogently before men who laboured with their hands the elementary truths of sound finance. It was a campaign of education in which Sherman and Schurz bore the most important parts. Sherman was able to hold his party pretty closely together despite what seemed to many of them the harsh policy of the Resumption Act. Schurz impressed the labouring men and was efficient in bringing back into the Republican ranks the Germans who had deserted them during the previous year on account of the temperance crusade.[1]

Although the Southern question played a part in the campaign and the charge by the Republicans that the Democrats proposed to divide the school fund between the Catholics and Protestants a still greater one, yet the question to the fore was, Do the people of Ohio favour an inflation of the currency? and the voters, whose number was greater than in any previous contest, answered No, giving Hayes a majority over Allen of 5544. The election placed for a while a quietus on the policy of inflation. It consolidated the Republicans into a hard-money party and it encouraged the Eastern Democrats who, lacking sympathy with their Ohio brethren, rejoiced secretly at the defeat of Allen, whose election would have made him a formidable competitor next year for the Democratic nomination on a "rag-money" platform.[1]

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[1] Merriam (vol. ii. p. 244) and *The Nation* (Oct. 21, p. 256) rate highly the work done on the right side by Halstead in the Cincinnati *Commercial*, and by Stewart L. Woodford on the stump. *The Nation* also compliments Grosvenor.

The success of Hayes determined that in the presidential contest of 1876 the issue would not be the financial question. Blaine, a prominent candidate for the Republican nomination, saw that the only issue on which his party could take the aggressive was the Southern question; it was one moreover better suited to his peculiar ability than that of finance and he took an early opportunity to sound the keynote of the campaign. Samuel J. Randall introduced a bill into the House of Representatives [December 15, 1875] removing all disabilities remaining under the Fourteenth Amendment.[2] A bill practically identical with this one had passed the previous House (of which the Republicans numbered two-thirds) by a large majority, one of whom was presumably Blaine,[3] and Randall apparently thought that his measure would encounter no opposition. Blaine, however, who was now on the floor the leader of the Republican minority,[1] asked time for the consideration of it and, on January 6, 1876, proposed to offer an amendment,[2] the main purpose of which was to exclude Jefferson Davis from the amnesty; four days later he made in advocating it a vehement speech which irritated exceedingly the representatives from the South. I do not except Jefferson Davis, Blaine said, because he was "the head and front of the rebellion. . . . But I except him on this ground: that he was the author, knowingly, deliberately, guiltily and wilfully, of the gigantic murders and crimes at Andersonville. . . . And I here before God, measuring my words, knowing their full extent and import, declare that neither the deeds of the Duke of Alva in the Low Countries nor the massacre of St. Bartholomew, nor the thumb-screws and engines of torture of the Spanish Inquisition begin to compare in atrocity with the hideous crime of Andersonville."[3]

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[1] My authorities are *The Nation;* Appletons' Annual Cyclopædia, 1875; Life of Bowles, Merriam, vol. ii.; Life of Morton, Foulke, vol. ii.; Article on R. B. Hayes by C. Schurz in Appletons' Cyclopædia of Biography, article on William Allen, ibid.; my article on C. Schurz in Warner's Library of the World's Best Literature. I have myself a vivid recollection of this campaign.

[2] After considerable inquiry in which he obtained some exact figures Blaine estimated that there were still about 750 persons under disabilities. *Cong. Record*, Jan. 10, 1876, p. 324. This is a higher estimate than the one which I adopted in vol. vi. p. 329.

[3] The former bill, which was reported by the Committee on Rules on Dec. 8, 1873 (*Record*, p. 91), provided for removing all disabilities imposed

Blaine endeavoured to prove Davis's complicity by presenting considerable ex parte testimony but he failed to establish the charge, although he goaded the Southern representatives, one of whom, Benjamin H. Hill, made a bitter reply in which was mingled much truth and error. The truth about the treatment of prisoners of war on both sides could not be elicited in a partisan debate but Blaine, by his revival of the horrors of

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by the Fourteenth Amendment, repealed Act of July 2 (iron-clad oath), prescribing the oath of July 11, 1868. Maynard, who reported it, said it had the unanimous approval of the Committee which must have included Blaine. The rules were suspended by 141 : 29 and the bill passed. There was no yea and nay vote.

[1] The House was composed of 168 Democrats, 108 Republicans, 14 Liberals and Independents. *Tribune* Almanac, 1876.

[2] An account of the parliamentary fencing is given by Stanwood, Life of Blaine, p. 135. The Amnesty bill not securing a two-thirds vote failed to pass the House.

[3] *Cong. Record*, p. 324.

Andersonville, his charge against Jefferson Davis, and his statement that 61 ex-Confederate soldiers were now representatives in the House with full privileges, fired the Northern heart and did much to fix the issue of the next presidential campaign. His speech was unquestionably a piece of political adroitness but it shattered the name for magnanimous statesmanship which he had acquired in his effort to accord liberal treatment to the South. "Blaine's strong point," wrote Bowles to Dawes on December 11, 1873, "was his personal and political hold on the reformer set — the *Evening Post*, Chicago *Tribune* and *Nation* crowd."[1] Bowles thought that his committee appointments of December 1873 had begun to estrange this set;[2] and this present baiting of the Southerners for personal or party purposes was action of a nature hardly fitted to regain their sympathy. Blaine's biographer affirms that he was not eager for the presidential nomination;[3] but supposing that nomination to have been his aim, he was proceeding more craftily than he knew, for he had stolen the thunder of Morton and Conkling, who were the "residuary legatees"[4] of Grant and who favoured a harsh policy towards the South.

Blaine and other astute Republican politicians undoubtedly thought that their hope of electing a President lay in diverting the public mind from the corruption and inefficiency of Grant's administration, of which it seemed as if there would be no end to the disclosures. There had been corruption and maladministration in the Interior and Navy departments;[1] and the frauds in the internal revenue service were now engaging popular attention.

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[1] *The Nation* of March 11, 1875 said: "Mr. Blaine has undoubtedly 'come out very strong' from the session, and for his ability displayed in managing the House during the filibustering of the Democrats, as well as his integrity and skill, has won a great deal of praise from his own party, from the Democrats and from the press. His rise to a position of prominence among the leading men of his party is a gratifying sign, for he has obtained his honors not by unscrupulous partisanship, but by hard work in a difficult office, and has increased his popularity not by buncombe speeches, or the low arts of a demagogue, but by the exhibition of those qualities of firmness, good sense, and respect for the rights of others which ought to make a man popular. He has his faults, no doubt, but, compared with Morton, Logan and the present leaders of the Republicans, he seems like an ancient Roman for virtue."

[2] Life of Bowles, Merriam, vol. ii. p. 333.

[3] Stanwood, p. 179.

[4] Merriam, p. 250.

Benjamin H. Bristow, who in June 1874 succeeded Richardson as Secretary of the Treasury, found that there was much in his department for an efficient administrator to reform. He soon discovered that the government was not receiving the full amount of revenue which was its due from the distillation of whiskey in a number of cities in the West, chief amongst which was St. Louis. The Merchants Exchange Statistics for 1874 indicated, by the excess of whiskey consumed and shipped over that on which a tax was paid, that the government was being defrauded of a revenue of $1,200,000.[1] Since 1870 or 1871 there had existed a Whiskey Ring composed of internal revenue officers and distillers of St. Louis with official accomplices in Washington, among whom was divided the money coming from the illegal abatement of the tax on a large amount of whiskey. One distiller in 1871 and 1872 distilled about $500,000 worth, of which $300,000 was "crooked." This was not an unusual proportion; it was asserted that during 1871, 1872 and 1873 three times as much whiskey was shipped from St. Louis as paid a tax.[2] If a distiller was honest he was entrapped into some technical violation of the law by the officials, who by virtue of their authority seized his distillery, giving him the choice of bankruptcy or a partnership in their operations; and generally he succumbed.

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[1] House Mis. Doc., 44th Cong. 1st Sess., Nos. 167, 193; House reports 784, 788, 789, 790, 793, 794. What I shall quote from the Life of Chandler by the Detroit *Post* and *Tribune*, I believe to be accurate and truthful statements: "During President Grant's second term the Interior Department, notwithstanding the personal honesty of Secretary Columbus Delano, had fallen into bad repute. It sheltered abuses and frauds which tainted the atmosphere, but were not hunted down and removed by its chiefs. From the scandals which this state of affairs created Mr. Delano finally sought escape by a resignation, which took effect on Oct. 1, 1875," p. 340. Rev. Dr. William B. Bodine writes me from Philadelphia under date of Dec. 5, 1904: "I knew Delano intimately and I knew also the judgment of his neighbors concerning him. He was one of the truest and most honorable of men, high-minded and noble."

Zachariah Chandler who had lost his senatorship was appointed in Delano's place receiving his commission Oct. 19, 1875. Chandler was thoroughly honest and a very capable business man. "No man," writes his biographer, "could have had less of the professional 'reformer' about him — in fact he was not chary of expressing the most contemptuous scepticism concerning much that paraded itself as 'reform' — but the exemplification which he gave of practical reform was at once thorough and brilliant. Without ostentation, without the faintest savor of cant, he went at his work in unpretentious, business-like, manful and clear-sighted fashion. A firm believer himself that 'corruption wins not more than honesty,' he gave durable lessons on that theme in every bureau of the Interior Department," p. 340. Schurz who succeeded him said to Chandler, "I think I am expressing the general opinion of the country when I say you have succeeded in placing the Interior Department in far better condition than it had been in for years, and that the public is indebted to you for the very energetic and successful work you have performed," p. 355.

John McDonald, who was supervisor of internal revenue in St. Louis for nearly six years, estimated that during that period the government was in this manner defrauded out of revenue amounting to $2,786,000.[3] A goodly part of this went to the official members of the ring who were accustomed to levy assessments from time to time on the distillers, the ostensible purpose of which was to raise a campaign fund for the benefit of the Republican party and especially to procure a second and then a third term for Grant. Unquestionably considerable money was used in this way but a good deal of it stuck to the fingers of the officials, whose peculiar operations necessitated large personal expenditures. McDonald, whose salary was $3000 per annum, paid the bill of the President and his party at the Lindell Hotel during their ten days' visit to St. Louis in 1874. The partial reimbursement of this by some of Grant's friends must have been welcome, for their common knowledge and love of horses led to the admiration of a certain pair by Grant and the gift of them to him by McDonald. A road-wagon, harness and handsome whip at a total cost, including the horses, of $1750 were added before the outfit was sent to the White House and there received by Grant with oriental nonchalance.[1] McDonald made Babcock, the President's private secretary, a present of a diamond shirt-stud costing $2400, and such were the familiar relations between the two that Babcock expressed his discontent on discovering a flaw in the diamond, whereupon it was replaced by another, finer and more expensive. Some of the money was spent in other forms of extravagance. Men whose salaries were small partook frequently of good dinners and suppers in restaurants with champagne as their ordinary beverage and, as a further charm in their hours of ease, a "sylph" was an occasional companion.[2]

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[1] Secrets of the Great Whiskey Ring, McDonald, p. 47. I do not vouch for McDonald's figures but I think they are sufficiently exact.

[2] Ibid., p. 64.

[3] Ibid., p. 328.

Bristow had two aims, one to stop the stealing, and the other, which was more difficult, to punish the thieves. With the co-operation of Edwards Pierrepont, the Attorney-General, and of his energetic solicitor of the Treasury, Bluford Wilson, and with the support, for a while, of the President, he secured the indictment and conviction of three officials and a journalist in St. Louis and of one official in Washington. In working up the evidence he unearthed certain facts which affected public sentiment profoundly at the time, thus adding to the historical importance of this episode. He ascertained that Orville E. Babcock, the confidential friend as well as private secretary of the President, was a member of the ring and a sharer in its profits. When a letter implying this was shown to the President [at Long Branch probably on July 29, 1875] he wrote on the back of it, "Let no guilty man escape," and said, "If Babcock is guilty, there is no man who wants him so much proven guilty as I do, for it is the greatest piece of traitorism to me that a man could possibly practice."[1] But not long afterwards the President's ardour for the prosecution of the members of the Whiskey Ring cooled; and when, on December 9, 1875, the grand jury in St. Louis returned a true bill against Babcock "for conspiracy to defraud the revenue"[2] his attitude became hostile, at first covertly, then openly. He was exasperated at the words in the Avery [the Washington official] case of ex-Senator John B. Henderson who as special counsel on behalf of the government made during his plea a veiled allusion to the current suspicion that Babcock's complicity implicated the President and who touched on the friction which was beginning between Grant and Bristow. "What right," he asked, "has the President to interfere with the honest discharge of the duties of a Secretary of the Treasury?" Henderson was relieved from further duty in the prosecution of the cases, every member of a full cabinet regarding his speech, so Pierrepont testified, "as an outrage upon professional propriety thus to reflect upon the President."[3]

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[1] McDonald, pp. 102, 109, 316, 317. Joyce his confidential secretary shared with him the expense of the outfit.

[2] As to the "Sylph" see McDonald, p. 113; on the "Sylph" telegrams, ibid., pp. 113, 300 and Whiskey Frauds, Testimony, p. 3.

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[1] Pierrepont's testimony, March 22, 1876, Whiskey Frauds, 44th Cong. 1st Sess., Mis. Doc., No. 186, pp. 11, 30; McDonald, p. 295.

[2] Whiskey Frauds, Testimony, p. 5.

[3] Ibid., pp. 5, 69, 70, 364. Henderson was discharged Dec. 10, 1875. James O. Brodhead in the opinion of Henderson "a very able lawyer" standing "at the head of the bar in St. Louis" (p. 66) succeeded him. Bluford Wilson protested against the removal of Henderson, deeming it "a fatal blow to the prospect of a successful prosecution in Babcock's case," p. 364.

Babcock was put upon trial and the proceedings were marked by an extraordinary occurrence. The President voluntarily gave his deposition on the part of the defence. At the White House on February 12, 1876 there assembled Bristow, Pierrepont, an attorney for the government, an attorney for Babcock and Chief Justice Waite, who acted as notary.[1] Grant swore: that I have never seen anything in the conduct or talk of Babcock which indicated to my mind that he was in any way interested in or connected with the Whiskey Ring at St. Louis or elsewhere; that he has evinced fidelity and integrity as regards the public interest and performed his duties as my private Secretary to my entire satisfaction; that "I have always had great confidence in his integrity and efficiency;" and that I never had any information from Babcock or any one else indicating in any manner directly or indirectly that any funds for political purposes were being raised by any improper methods.[2] Grant in his deposition showed his eagerness for the acquittal of Babcock and this undoubtedly had weight with the jury, who, being further influenced by the charge of the judge in his favour, brought in a verdict of not guilty. On his acquittal, Babcock resumed his duties at the White House but did not exercise them long. Public opinion compelled his withdrawal from that confidential position. He was indicted afterwards for complicity in a safe burglary conspiracy, his object being to get hold of some incriminating documents, but Grant's fostering care still remained over him.[3]

Though the judge and the jury did not believe that a legal case had been made against Babcock no real doubt can remain that he shared in the profits of the ring. McDonald, all of whose statements must however be received with caution, relates that at two different times he gave him a package of bills amounting in each case to $5000 and that on another occasion he sent him a $1000 bill in a box of excellent cigars; that his total dividends were $25,000.[1] The prosecution was hampered by the unfriendly attitude of the President and some of his immediate friends but Bristow, Pierrepont and Bluford Wilson were convinced of the guilt of Babcock, whose general bad name led the public to share this belief.

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[1] McDonald, p. 265; New York *Tribune*, Feb. 14, 1876.

[2] Ibid., pp. 255, 256; New York *Tribune*, St. Louis *Daily Times*, Feb. 18, 1876.

[3] Ibid., pp. 284, 335; New York *Tribune*, Feb.–April 1876. McKee, Maguire and Avery were pardoned after about six months' imprisonment. On Jan. 26, 1877, McDonald received his pardon. Later in the year Joyce was pardoned by President Hayes, ibid., pp. 284, 321, 326.

McDonald asserts that Grant was a silent or honorary member of the Whiskey Ring (not that he received any cash unless Babcock divided his share with him but he was aware that the profits from illicit distilling were going into a campaign fund to be used mainly in the work of securing for him a second and then a third term) and that in his deposition he perjured himself. Henderson desired McDonald to plead guilty and become a witness for the government (promising him immunity from punishment) and had he done so, he writes, the President would have been impeached and removed from office. Because of his devotion he refused to testify against Grant and Babcock and went to the penitentiary willingly in order to preserve Grant and the nation from scandal.[2]

McDonald utterly fails to make out a case against Grant;[3] and I should not have thought these charges worthy of mention were it not that many good people at the time believed that Grant's eagerness to remain in the White House had led him to connive at this dishonest way of raising money in his own interest. To me it is quite incredible that he should have done this, and my conviction of his innocence is easily explained. E. Rockwood Hoar, a hard-headed man and an acute judge of his fellows, knew Grant through and through, and believed him strictly and thoroughly honest. But do you feel sure, he was asked, that in all these suspicious transactions no money stuck to his fingers? With a purposed anachronism to give emphasis to his quaint remark he replied, "I would as soon think St. Paul had got some of the thirty pieces of silver."[1] Time, the gleaner of the true from the false, has revealed to us Grant's character in its full strength and full weakness, amply confirming Judge Hoar's confidence in the man whom he comprehended so well, who to his deep regret kept much bad company and made "a pretty poor President." And the world believes Grant when he swore before the Chief Justice and Bristow and Pierrepont that he knew of no campaign fund which came from the profits of illicit distilling.

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[1] McDonald, pp. 106, 120, 148, 316.

[2] Ibid., pp. v, 35, 84, 94, 158, 171, 186, 204, 318, 329, 332.

[3] McDonald's book is a curious one. Illiterate, according to Grant's testimony, he could not have written it himself but he undoubtedly furnished the facts which were arranged and written out by some more competent person. The book was published in 1880, is of the order of campaign literature and may have been intended as a document against Grant, had he been nominated in 1880, when he had a very strong following in the Republican convention and a good chance of success. This theory is substantiated by the Appendix which contains the charges of corruption against Garfield who did receive the Republican nomination in 1880.

In money matters Grant was as credulous as a child. He undoubtedly knew of the campaign fund in St. Louis but had not a suspicion of the process through which it was raised. Babcock had an extraordinary fascination for him and could make him believe anything. The private secretary was cheek by jowl with the other members of the ring who jumped to the conclusion that Grant as well as Babcock was privy to their operations. Grant's suspicions of July 1875 at Long Branch were allayed by Babcock's explanation of the evidence which told against him; and, yielding to his favourite's cajolery, he came to believe that Babcock was a much persecuted man, whom Bristow pursued for the purpose of commending himself to the reform element in the Republican party and securing the Republican nomination for President.

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[1] Conversation, Oct. 4, 1893.

Plain as this now is, it was not so in February 1876 when Babcock was acquitted. The gap between Grant's "Let no guilty man escape" of July 1875 and his espousal of Babcock's cause was wide indeed, and when Babcock was restored to his place in the White House one hardly knew what to say. Startling, too, was Grant's evident displeasure with Bristow succeeding his earlier support of the investigation. His feeling was intense and seems hardly to have abated two years later when he said: Any of the candidates for the Republican nomination in 1876 except Mr. Bristow "would have been satisfactory to me, would have had my heartiest support. Mr. Bristow I never would have supported for reasons that I may give at some other time in a more formal manner than mere conversation."[1] The friction between the two is seen likewise in Bristow's testimony which though guarded by an honourable official reticence, alludes to the sharp severance of their official and personal relations.[2]

Altogether the affair was very damaging to the Grant administration and reflected on the Republican party, but worse was yet to come. The country was still thinking of the iniquity of Babcock and others of the President's friends when, on March 2, Hiester Clymer, chairman of the Committee on Expenditures in the War Department, reported that his committee had "found at the very threshold of their investigations uncontradicted evidence of the malfeasance in office by General William W. Belknap, then Secretary of War." Along with their report he submitted the testimony which substantiated their solemn accusation. In 1870, Mrs. Belknap had suggested to Caleb P. Marsh of New York, at whose house she was visiting, to apply for a post-tradership on the frontier and hinted to him that she would not refuse a portion of the emoluments of the office. Marsh made application for the valuable post of Fort Sill, Indian Territory then falling vacant, and received an intimation from either Mrs. Belknap or the Secretary that he had better see its incumbent, John S. Evans, who was in Washington pressing for a reappointment. Marsh saw Evans and, after some negotiation, the two agreed that Evans should retain the place in consideration of which he should pay Marsh $12,000 a year, quarterly in advance. The first payment was received probably in November 1870 and one-half of it was sent to Mrs. Belknap. The death of Mrs. Belknap occurring shortly afterwards and the money from Evans continuing to come, Marsh sent half of it to Belknap himself, in bank-notes by Adams express or in certificates of deposit or perhaps on one or two occasions in a government bond. If Belknap chanced to be in New York at the time of the quarterly remittance he paid him the money in person. After a while Marsh reduced his claim on Evans to $6000 per year and consequently cut down in a like proportion his payments to the Secretary but during the operation of the contract he received in all about $40,000 one-half of which went to Mrs. Belknap and the Secretary of War.

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[1] Around the World with General Grant, J. R. Young, vol. ii. p. 273.

[2] Bristow gave his testimony on July 7, 1876. He resigned his position on June 20. As has been indicated my main authorities are the Whiskey Frauds, Testimony, and McDonald's Whiskey Ring. I have been helped by *The Nation* and Life of Bowles, Merriam, vol. ii.

The Committee recommended that Belknap "be impeached of high crimes and misdemeanors while in office" and the House by a unanimous vote adopted a resolution to this effect. It was shortly after three o'clock on the afternoon of March 2 when Clymer presented his report to the House, but on the morning of the same day, Belknap, anticipating the action that would be taken, tendered his resignation to the President, requesting its immediate acceptance. He was a personal friend of Grant's and had been Secretary of War since the autumn of 1869.[1] It had become well understood that Grant never forsook his friends but stood by them when they were "under fire"; in this case expectation was not disappointed. At about twenty minutes past ten [March 2] he wrote to Belknap, "Your tender of resignation as Secretary of War, with the request to have it accepted immediately, is received and the same is hereby accepted with great regret."[2] Nevertheless nobody had any doubt as to Belknap's guilt. His disgrace was complete and added to the already heavy load under which Grant and the Republican party were staggering.[3]

The high-water mark of corruption in national affairs was reached during Grant's two administrations. Blaine and others, as we have seen, wished to divert public attention from it by trying to excite at the North the bitter sectional passions of the Civil War; but there were better Republicans and better patriots who believed that the truth should be told and an effort made to awaken in their countrymen the spirit of reform. Lowell, writing before the full disclosures of the Whiskey Ring and the disgrace of Belknap, said in reference to the proposed Centennial Exhibition of 1876: —

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[1] Appointed on Oct. 13, 1869, sworn in Nov. 1. The Senate on Dec. 9, 1869 confirmed the appointment without a division.

[2] The trial of Belknap by the Senate dragged along and the vote on the articles of impeachment was not taken until Aug. 1. Thirty-seven senators voted "guilty," 25 "not guilty" and, as the necessary two-thirds were wanting, conviction was not obtained but 23 of those who voted "not guilty" did so because they believed that the Senate lacked jurisdiction on account of the resignation of the defendant.

[3] My authorities are House reports, 44th Cong. 1st Sess., Nos. 186, 345, 791; Misc. Docs. 84; *Cong. Record*, vol. iv. part vii. Trial of Belknap; George F. Hoar, Autobiography, vol. i.

"Columbia, puzzled what she should display
Of true home-make on her Centennial Day,
Asked Brother Jonathan: he scratched his head,
Whittled awhile reflectively, and said,
'Your own invention and own making too?
Why any child could tell ye what to do:
Show 'em your Civil Service, and explain
How all men's loss is everybody's gain;
Show your new patent to increase your rents
By paying quarters for collecting cents;
Show your short cut to cure financial ills
By making paper collars current bills;
Show your new bleaching process, cheap and brief,
To wit: a jury chosen by the thief;
Show your State Legislatures; show your Rings;
And challenge Europe to produce such things
As high officials sitting half in sight
To share the plunder and to fix things right;
If that don't fetch her, why you only need
To show your latest style in martyrs—Tweed:
She'll find it hard to hide her spiteful tears
At such advance in one poor hundred years.'"[1]

George William Curtis said to the New York State Republican Convention on March 22, 1876: "'Plain words are best.' . . . The corruptions of administration exposed in every direction, and culminating at last in the self-confessed bribery of the Republican Secretary of War, the low tone of political honor and of political morality that has prevailed in official Republican service, the unceasing disposition of the officers and agents of the administration of this country to prostitute the party organizations relentlessly and at all costs to personal ends, has everywhere aroused the apprehension of the friends of free government, and has startled and alarmed the honest masses of the Republican party."[1]

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[1] *The Nation*, Aug. 5, 1875, p. 82. The poem was entitled "The World's Fair, 1876." For Nast's unpublished cartoon suggested by it, see Life of Nast, Paine, p. 363.

And finally on May 6, 1876 George F. Hoar, who was one of the managers of the House in the Belknap Impeachment Trial, spoke thus to the senators sitting as a Court: "My own public life has been a very brief and insignificant one, extending little beyond the duration of a single term of senatorial office. But in that brief period I have seen five judges of a high court of the United States driven from office by threats of impeachment for corruption or maladministration. I have heard the taunt, from friendliest lips, that when the United States presented herself in the East to take part with the civilized world in generous competition in the arts of life, the only product of her institutions in which she surpassed all others beyond question was her corruption. I have seen in the State in the Union foremost in power and wealth four judges of her courts impeached for corruption, and the political administration of her chief city become a disgrace and a by-word throughout the world. I have seen the chairman of the Committee on Military Affairs in the House, rise in his place and demand the expulsion of four of his associates for making sale of their official privilege of selecting the youths to be educated at our great military school. When the greatest railroad of the world binding together the continent and uniting the two great seas which wash our shores, was finished, I have seen our national triumph and exaltation turned to bitterness and shame by the unanimous reports of three committees of Congress — two of the House and one here — that every step of that mighty enterprise had been taken in fraud. I have heard in highest places the shameless doctrine avowed by men grown old in public office that the true way by which power should be gained in the Republic is to bribe the people with the offices created for their service, and the true end for which it should be used when gained is the promotion of selfish ambition and the gratification of personal revenge. I have heard that suspicion haunts the footsteps of the trusted companions of the President."[1]

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[1] Life of Bowles, Merriam, vol. ii. p. 255; New York *Tribune*, March 23.

James G. Blaine fell a victim to the malady of the time. The story of his fall begins on April 10, 1869, on the last night of the first session of the Forty-first Congress, when a bill was reached which renewed the land-grant to the State of Arkansas for the Little Rock and Fort Smith Railroad. An amendment was offered, which would have killed the bill, causing keen disappointment to the Arkansas members who had it in charge. In despair one of them came for advice to Blaine, then Speaker of the House, who told him that the amendment was not germane to the bill and therefore out of order. Not having confidence in his knowledge of the rules, he arranged with Blaine that the point should be raised by General Logan, to whom Blaine sent his page with the suggestion. Logan made the point, the Speaker ruled in his favour, the bill passed the House and became a law. The ruling was correct and the action of Blaine was not improper, as at that time he had no interest in the Little Rock and Fort Smith Railroad Company; but on June 29, 1869, he was considering an offer made him by Warren Fisher Jr. of Boston for participation in this very company and writing: "I do not feel that I shall prove a dead-head in the enterprise if I once embark in it. I see various channels in which I know I can be useful."[2] Blaine's biographer plausibly maintains that this referred to his future operations as a broker with his friends in Maine;[3] but taken in connection with his subsequent letter of October 4, 1869 in which he told Fisher to inform Josiah Caldwell (who was one of the promoters of the Little Rock and Fort Smith Railroad) that he had unwittingly done him "a great favor" by his ruling of April 10, emphasizing the fact by a detailed history,[1] such an assurance reaches the height of indelicacy on the part of the officer second in power in the government. On July 2, 1869 Blaine was hesitating over "a most liberal proposition" from Fisher,[2] which, as subsequent events show he accepted and in accordance with the contract he sold in the autumn of 1869 to his friends in Maine $125,000 of the first-mortgage bonds of the Little Rock and Fort Smith Railroad for which Fisher, who made the delivery of the bonds direct to the purchaser, received $125,000 in money. As a bonus the Maine people were given $125,000 preferred stock and the same amount of common. A Boston investor would have received in such a transaction $125,000 land-grant bonds as well, the usual condition of sale being to give four dollars in securities for one in money. This part of the bonus was taken by Blaine as a commission; by agreement with Fisher he was to receive $125,000 land-grant bonds and $32,500 first-mortgage bonds as a brokerage for making the sale.[3] On four other contracts, three of which were with residents of Maine, he received a commission in cash of $15,150 for the sale of $43,150 worth of securities on different terms.[4] In these transactions the Speaker of the House placed himself on a level with unscrupulous promoters of State Street and Wall Street and, through these and similar operations, established a business reputation over the country as one who took in his friends. The ordinary method of promoters was to represent that having been "let in on the ground floor" they were themselves investing money in the enterprise and were able to procure securities for their friends on the same basis. The evidence does not show that Blaine made such representations but they are naturally to be presumed. Blaine's was a sanguine disposition and beyond a doubt he thought that the railroad would be a profitable investment for his friends.

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[1] *Cong. Record*, vol. iv. part vii. p. 63; George F. Hoar, Autobiography, vol. i. p. 307.

[2] *Cong. Record*, June 5, 1876, p. 3606.

[3] Stanwood, p. 154.

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[1] *Cong. Record*, p. 3606.

[2] Ibid.

[3] I speak of the contract as modified from $130,000 to $125,000. There should have been according to the contract a proportionate reduction of the $32,500. There is a little confusion in the evidence which is not important.

[4] These securities were delivered by Fisher direct to the purchasers.

The enterprise was not successful and the transaction with his Maine friends got Blaine into trouble. The Little Rock and Fort Smith Railroad fell into financial difficulties, the stock became worthless, the interest on the bonds was in default, and the Maine people were disgruntled. Thirteen were in various amounts concerned in the $125,000 transaction, four in the $43,150. To one or two Blaine had given a guarantee against loss and in the case of the others he recognized, in the words of his friend William Walter Phelps, "a moral claim"[1] to make the loss good to them. Another phase of the situation is readily comprehensible. When investments turn out badly it is to be expected that the investors will make searching inquiries into their nature and origin, including in their inquisition those from whom they acquired the securities. If the thirteen ascertained, which was an easy matter, that, according to the ordinary rate of sale, $125,000 land-grant bonds should have gone to them and if the four found out that they did not get the full value of their money, they were sure to feel that they had been tricked by their broker, the Speaker of the House.[2] The disclosure of the facts to his political and personal friends in Maine meant discredit and possibly political ruin; consequently he was impelled by the strongest considerations to take back their bonds and return them their money. The letters of Blaine to Fisher during 1871 show that he was straining every nerve to raise money. He borrowed at from 8 to 8½ per cent. per annum. "Politically I am charged with being a wealthy man," he wrote on October 1. "Personally and pecuniarily I am laboring under the most fearful embarrassments."[1] This was partly due to the necessity of raising the money to reimburse his Maine friends, in which he was evidently successful by April 18, 1872. He then wrote, "I am very sure that you have little idea of the labors, the losses, the efforts, and the sacrifices I have made within the past year to save those innocent persons, who invested on my request, from personal loss."[2]

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[1] Blaine's Record, published by the Boston committee of 100, written by Moorfield Storey, p. 18.

[2] In this connection see Life of Blaine, Stanwood, p. 174.

In the spring of 1871 the Atlantic and Pacific Railroad bought $100,000 bonds and $100,000 stock of the Little Rock and Fort Smith Railroad paying therefor $79,000 and the Missouri, Kansas and Texas Railroad took about half that amount at the same rate. These were bought from an "interest largely engaged in the construction of the road"[3] at a price greater than their worth. On December 16, 1871 the Union Pacific Railroad bought $75,000 Little Rock and Fort Smith land-grant bonds paying therefor $64,000, an amount largely in excess of their market value. Now, as Moorfield Storey acutely analyzes the testimony, Blaine refunded to his Maine friends on the two sets of contracts $168,150. From his Maine friends and from his commission as broker[4] he possessed $160,000 first-mortgage bonds and $123,000 land-grant bonds; $150,000 of the first-mortgage bonds were bought by the Atlantic & Pacific and the Missouri, Kansas & Texas and $75,000 of the land-grants by the Union Pacific, realizing a sum somewhat more than sufficient for Blaine to discharge his obligations to his Maine friends.[1] The positive evidence and the coincidence of events furnish the strongest of probabilities that these railroad companies through their managers relieved Blaine of his heavy financial burden, expecting to more than recoup themselves through legislative favours which the Speaker of the House could readily accord. All these roads enjoyed land-grants, being to this extent creatures of the national government and more or less subject to Congressional control. It is quite possible that it was not positive legislation but security from interference that was desired. The Springfield *Republican* charged him with making up his committees in December 1873 "so as to favor inflation, a high tariff and the railroad corporations."[2]

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[1] *Cong. Record*, June 5, 1876, p. 3606.

[2] Ibid., p. 3605.

[3] Blaine's speech of April 24, 1876, ibid., p. 2725.

[4] For some reason he did not receive the full amount of bonds agreed on. Concerning this see Fisher's letter of Nov. 8, 1871, Blaine's Record, p. 42.

To my mind the case against Blaine in at least the Union Pacific matter would be clear were it not for the evidence of Thomas A. Scott who swore that the $75,000 bonds which went to the Union Pacific were his own and that the railroad company paid him the excessive price as a compensation for his services as its President for a year; that he had bought the bonds from Caldwell and did not directly or indirectly know Blaine in the whole transaction.[3] But Scott's testimony is inconsistent with much of the other evidence and does not fit into the situation as well the explanation which I have adopted.

The first public notice taken of the matter by Blaine was in the House on April 24, 1876. "For some months past," he said, "a charge against me has been circulating in private and was recently made public — designing to show that I had in some indirect manner received the large sum of $64,000 from the Union Pacific Railroad Company in 1871 — for what services or for what purpose has never been stated." He made an absolute denial of the charge and supported his denial by a number of letters the most important of which was from Thomas A. Scott, who said, "That the Little Rock and Fort Smith bonds purchased by the Union Pacific Railroad Company in 1871 were not purchased or received from Mr. Blaine directly or indirectly, and that of the money paid by the Union Pacific Railroad Company, or of the avails of said bonds, not one dollar went to Mr. Blaine, or to any person for him or for his benefit in any form." In the case of the Atlantic and Pacific and Missouri, Kansas and Texas, Blaine said, "that the bonds sold to them did not belong to me, nor did I have one dollar's pecuniary interest in the whole transaction with either company."[1]

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[1] Blaine's Record, p. 20. [2] Life of Bowles, Merriam, vol. ii. p. 333.
[3] 44th Cong. 1st. Sess., House Mis. Docs. 176, p. 47.

Nearly every Republican wanted to believe Blaine and in April 1876 did believe him. He was a capable and popular man. His very limited knowledge of the factors in certain public questions did not prevent his taking a broad view of others. He had an instinctive understanding of men and a marked aptitude for getting information out of books; had he devoted himself to study and reflection, he might have made a useful statesman. His personal magnetism fitted him for leadership; and, though living in Maine, his greatest popularity was in Pennsylvania and the West. He had also the qualities of a parliamentary leader, although he had never a chance fully to display them for during his first service in the House he was dominated by Stevens and shortly after his death became its Speaker. Amiable and personally attractive, few public men have had a constituency easier to persuade than he; the masses adored him, and at the period under consideration he had not wholly forfeited the confidence of the reformers. The remark of *The Nation* of April 27, 1876 was undoubtedly approved by most of the independent thinkers in the

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[1] *Cong. Record*, April 24, 1876, pp. 2724, 2725.

Republican party. "In fact, as far as allegation can go," it said, "Mr. Blaine has vindicated himself. The only thing further he could do would be to submit his proofs to an investigating committee; but this does not seem necessary because there is nothing cloudy in the statement."

Still the charge relating to the Union Pacific would not down; in the Cincinnati *Gazette* of April 27, it appeared again fathered by one of the government directors. On May 2 the Democratic House ordered its Committee on the Judiciary to make an investigation of it. A sub-committee of three at once set to work taking testimony, the tenor of which was on the whole somewhat damaging to Blaine, but he had in his favour the testimony of Thomas A. Scott and it looked on May 31 as if the verdict might be "not proved." But on that day James Mulligan of Boston, a truthful man, who had "kept some accounts for Fisher for the Little Rock and Fort Smith bonds" appeared before the committee and testified that Elisha Atkins, a director of the Union Pacific, told him that Blaine gave the $75,000 of Little Rock and Fort Smith bonds to Scott who made the Union Pacific Railroad take them at $64,000.[1] Mulligan, who was giving his testimony in a quiet manner, mentioned incidentally that he had in his possession certain letters written by Blaine to Fisher which, Blaine supposed, had been returned to himself. This statement "seemed to have a remarkable effect upon Blaine" who whispered to the Republican member of the sub-committee to move an adjournment which was done.[2] After the adjournment Blaine went during the afternoon to the Riggs House and, in a conference between Atkins, Fisher, Mulligan and himself, asked Mulligan to give him those letters. Mulligan refused. Blaine implored Mulligan to think of his six children and his wife saying that if the committee should get hold of those letters "it would sink him immediately and ruin him forever." Mulligan still refused. Blaine then asked permission to read them which was accorded. Blaine read them over twice and returned the letters. Mulligan left Atkins's sitting-room where this scene had taken place and went to his own room. Blaine followed him and again asked to see the letters so that he might read them over again consecutively. Mulligan handed them to him on the condition that they be returned. What are you going to do with them? asked Blaine. I shall not show them to the committee unless called upon to do so, was the reply. I shall not publish them unless my testimony is impeached. Thereupon Blaine refused to surrender the letters maintaining that, as he had written them, they were his property.[1] On June 1 and 2 Hunton asked Blaine to deliver the letters to the Committee. He refused and on the 2d presented a letter from J. S. Black and Matt. H. Carpenter, his counsel, saying that the letters had "no relevancy whatever to the matter under inquiry" and advising Blaine to resist any demand for them to the last extremity.[2]

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[1] House Mis. Doc. 176, p. 95. Atkins denied ever having made such a statement, p. 110. Mulligan repeated it, p. 123.

[2] Hunton, chairman, sub-committee, *Cong. Record*, June 5, 1876, p. 3611. Stanwood writes that Mulligan had a personal grievance against Blaine and had vowed vengeance, p. 164. Mulligan swore, "I have no unfriendly feelings to Mr. Blaine whatever." Doc. 176, p. 98.

It was obvious that if the matter was left thus, the judgment of the country would be against Blaine for whom the disclosures could have been made at no more unfortunate time. The National Republican convention was to meet in Cincinnati on June 14 and Blaine was the most prominent candidate for the presidential nomination. The charge must be met in some way and

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[1] Doc. 176, p. 98. Blaine gave a different account of the interview, p. 105, but he made so many misstatements in his defence that I do not consider him a credible witness. Both agreed that he now had possession of the letters. They never went out of his possession afterwards.

[2] Ibid., p. 110.

Blaine nerved himself for a supreme effort. Rising in the House on June 5 to a question of privilege he asserted that the resolution commanding an investigation was aimed solely at him, that because of his speech in January the feelings of the Southerners "were peculiarly exasperated" toward him, that while there were seven Democrats on the Judiciary Committee, the Chairman in making up the sub-committee, took for its majority "the two who were from the South and had been in the rebel army."[1] Having the complete sympathy of the Republican members, the spectators on the floor and in the galleries he made an earnest and common-sense plea for the inviolability of private correspondence and then went on: "I have defied the power of the House to compel me to produce these letters. . . . But, sir, having vindicated that right, standing by it, ready to make any sacrifice in the defence of it . . . I am not afraid to show the letters. Thank God Almighty I am not ashamed to show them. There they are [holding up a package of letters]. There is the very original package. And with some sense of humiliation, with a mortification that I do not pretend to conceal, with a sense of outrage which I think any man in my position would feel, I invite the confidence of 44,000,000 of my countrymen while I read those letters from this desk." Blaine then read the letters with running comments and closed his speech with a dramatic stroke.

One Reed, a friend or self-constituted champion of Blaine's, had cabled to Josiah Caldwell in London urging him to telegraph to the chairman of the Judiciary Committee that he corroborated fully Scott's testimony. He at once complied with the request. Proctor Knott, chairman of the House Judiciary Committee received the despatch on June 1,[2] but foolishly refrained from presenting it to the Committee. Caldwell's character was not high and a mere affirmation of his could not add the slightest weight to Scott's testimony, but Blaine, knowing that the cablegram had been sent, asked Knott, after he had finished reading the letters, if he had received a despatch from Caldwell. Knott parried the question for a moment then admitted that he had and demanded of Blaine, "How did you hear it?" Blaine thus replied, "I heard you got a despatch last Thursday morning at eight o'clock from Josiah Caldwell completely and absolutely exonerating me from this charge and you have suppressed it." The applause was loud and long. An iteration of this statement with some enlargement of it ended the speech and there ensued "protracted applause from the floor and the galleries."[1] "I never saw such a scene in the House," said Garfield.[2] It was, said Proctor Knott, "one of the most extraordinary exhibitions of histrionic skill, one of the most consummate pieces of acting that ever occurred upon any stage on earth."[3] The feeling of enthusiastic Republicans who were present was undoubtedly well expressed in one of the family letters printed in Gail Hamilton's Life of Blaine: "There never was such a rout. Knott and Hunton were deserted even by their own party; not one of the leading Democrats came to their aid. The cheering when Mr. Blaine marched down the aisle and charged Knott with having suppressed the telegram was indescribable. It seemed to come up from all over the House. It was wild and long and deep. It was a perfect roar of triumph. Knott seemed to shrink visibly in the hot flame of wrath."[4] And the mass of Republicans who read the account in their newspapers thought that Blaine had won a complete triumph and their faith in him abided for the rest of his life. "Il faut de l'audace, et encore de l'audace et toujours de l'audace." Blaine's defence was a master-stroke. But it was that of a criminal in the dock not that of a candidate for President whose acts while speaker were questioned. In committee he and his friends made use of many quibbles known to the law to prevent the elicitation of the whole truth: and it is probable that the evidence would not have convicted him in the court-room. Perhaps the fencing in committee may be excused as he was on trial by a majority of his political opponents but in his two speeches when he presented his case to the House and his fellow-countrymen, he owed it to his position if he was innocent, to answer frankly every charge and explain every suspicious circumstance, concealing nothing, welcoming the fullest inquiry. He not only failed to do this but in his speech of April 24, he told six distinct falsehoods.[1] His speech of June 5 was full of evasions; and the process of throwing dust into men's eyes was effectively used. He did not read the letters in their chronological order, nor all that he had taken from Mulligan; and there was a suspicion that he did not read some correctly and that those which he omitted were more damaging than those which he read.

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[1] Hunton and Ashe. Ashe denied having been in the Confederate army.
[2] *Cong. Record*, Aug. 3, 1876, pp. 5126–5128.

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[1] *Cong. Record*, June 5, 1876, pp. 3602–3608.

[2] Appletons' Cyclopædia of Biography, article Blaine.

[3] *Cong. Record*, Aug. 3, 1876, p. 5126.

[4] P. 392.

Be this as it may, the letters printed in the *Congressional Record* in connection with those disclosed in 1884 when Blaine was running for President, and in the light of the attending circumstances, must lead the historical critic to a belief in the strong probability of Blaine's guilt. "I know but little of your obligations to deliver bonds to others" [than his Maine friends], wrote Fisher November 8, 1871; "but, taking into account the $100,000 bonds you sold to Tom Scott and the amount of money you received on the Eastern contracts, our relative positions financially in the Little Rock and Fort Smith Railroad bear a wide contrast."[1] "Of all the parties connected with the Little Rock and Fort Smith Railroad," wrote Fisher to Blaine, April 16, 1872, "no one has been so fortunate as yourself in obtaining money out of it. You obtained subscriptions from your friends in Maine for the building of the Little Rock and Fort Smith Railroad. Out of their subscriptions you obtained a large amount both of bonds and money free of cost to you. I have your own figures and know the amount. Owing to your political position you were able to work off all your bonds at a very high price; and the fact is well known to others as well as myself. Would your friends in Maine be satisfied if they knew the facts?"[2] To this Blaine two days later replied: "The sales of bonds which you spoke of my making, and which you seem to have thought were for my benefit, were entirely otherwise. I did not have the money in my possession forty-eight hours but paid it over directly to the parties whom I tried by every means in my power to protect from loss"[3] [the Maine friends].

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[1] Blaine's Record, Storey, p. 9.

Blaine's speech of June 5 is not the speech of an innocent man; but no more adroit and powerful plea from one with an itching palm, who had made money illicitly, can be imagined. It convinced many men of the highest honour and the majority of the Republican party that he had been wrongfully accused. But for the verdict of history, a cold statement in dollars and cents showing what had become of his Little Rock and Fort Smith bonds would have been more to the point than his impassioned rhetoric and fervid declamation. Blaine had from different sources, as shown by Moorfield Storey, at least $160,000 first-mortgage and $123,000 land-grant bonds. He turned in at the reorganization of the road

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[1] Letter made public Sept. 15, 1884. Blaine's Record, Storey, p. 43.

[2] Ibid., p. 44.

[3] *Cong. Record*, p. 3605.

$48,000 land-grant and $19,000 first-mortgage bonds, leaving $75,000 land-grants and $141,000 first-mortgage unaccounted for.[1] Blaine (I believe) never explained what became of them nor have any of his friends. It is fair to presume therefore that they were disposed of to those three railroad companies at a price far exceeding their value.

After Blaine's speech of June 5 the sub-committee held three sessions; at the last one on Saturday, June 10, Hunton, the chairman, demanded of Blaine the production of the Mulligan letters and Blaine declined to deliver them; nor were they ever afterwards out of his possession. The committee adjourned until Monday but on the intervening Sunday after a walk to church through hot streets he sank down on the church steps in a swoon. This attack and the ensuing physical prostration put an end to the investigation. Before he recovered, Morrill, senator from Maine, became Secretary of the Treasury succeeding Bristow. The Governor of Maine appointed Blaine for the vacant senatorship, a choice which the legislature ratified on its assembling and also elected him senator for six years from March 4, 1877. The jurisdiction of the House over him was doubtful and when Congress met in December a graver question engrossed its attention. The Committee never made a report.[2]

On June 14 the National Republican Convention met in Cincinnati. There were many candidates for the nomination but the candidacy of one, who in other circumstances might have been pressed, was eliminated. Soon after his second inauguration it began to be noised abroad that Grant would be a willing candidate for a third term, the talk proceeding largely from a coterie of political and personal friends. The opposition press took the movement seriously and maintained that we were "drifting upon the rock of Cæsarism."[1] But the Democratic success in the autumn of 1874 was a severe blow to the movement. On May 29, 1875 Grant felt impelled to write a public letter which may be fairly interpreted as a grudging declination to be a candidate for a third term.[2] The Republican party construed it as a refusal; the disclosures of the Whiskey Ring and the corruption of Belknap lent overpowering weight to this construction. It is doubtful whether in any event the movement could have gained a large degree of force. The country was opposed to a departure from the time-honoured precedent of Washington and a resolution affirming the sacredness of this was voted by the House in December 1875 with only 18 dissentients.[3]

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[1] Blaine's Record, p. 20.

[2] My authorities are Blaine's Record, Storey; Testimony before the subcommittee on the Judiciary; *Cong. Record;* Life of Blaine, Stanwood; Life of Blaine, Gail Hamilton; Life of Bowles, Merriam; *The Nation* for 1876; see also letter of William Walter Phelps in *The Nation* of May 1, 1884 and *The Nation*'s reply.

Two political legatees of Grant, Conkling and Morton, were prominent candidates; each had the backing of his own State. As between the two, Grant, so far as any word of his went out, was strictly neutral, although he preferred Conkling because of his sounder financial views, but believing it probable that a "dark horse" would win the prize he had fixed upon Hamilton Fish and had written a letter to be used in his favour should the proper opportunity offer.[4] Nast had the same idea and shortly before the convention suggested Fish and Hayes as the ticket.[5]

Blaine had the strongest following and would unquestionably have been nominated had not the charge of personal corruption been fastened upon him. His strength lay largely in the Republican States whose electoral votes would surely be cast for the nominee of the convention: from this statement New England must be excepted as Blaine received from that section the solid vote of no State but his own. Massachusetts gave 19 of her 26 votes for Bristow the reformers' candidate[1] and her potent influence was in opposition to Blaine. It must be borne in mind that the delegates to the convention had been chosen before the most damaging disclosures against him had been made and that public, personal and geographical conditions had determined their instructions and their preferences. Blaine was fortunate in being placed before the delegates in one of the most eloquent of convention speeches, which, beginning with an apt reply to Dana's statement marshalled the considerations likely to have weight with the tumultuous crowd. Richard H. Dana in seconding the nomination of Bristow on the part of Massachusetts, said: "I tell you, gentlemen of the convention, I know no other name which is sure to carry the old Commonwealth of Massachusetts next November. . . . Massachusetts is satisfied with the loyalty of Benjamin H. Bristow." As Dana sat down Robert G. Ingersoll rose to present Blaine on the part of Illinois and said: "Massachusetts may be satisfied with the loyalty of Benjamin H. Bristow. So am I. But if any man nominated by this convention cannot carry the State of Massachusetts, I am not satisfied with the loyalty of Massachusetts. If the nominee of this convention cannot carry the grand old Commonwealth by 75,000 majority I would advise them to sell out Faneuil Hall as a Democratic head-quarters. I would advise them to take from Bunker Hill their old monument of glory." Proceeding with a long list of demands which the Republicans made on a leader he touched upon the consideration which marred Blaine's chance and the one which gave him peculiar strength. "They demand," he said, "a man whose political reputation is spotless as a star; but they do not demand that their candidate shall have a certificate of moral character signed by the Confederate Congress. . . . They call for the man who has torn from the throat of treason the tongue of slander; the man who has snatched the mask of Democracy from the hideous face of the rebellion. . . . Like an armed warrior, like a plumed knight James G. Blaine marched down the halls of the American Congress and threw his shining lance full and fair against the brazen forehead of every traitor to his country and every maligner of his fair reputation. For the Republican party to desert that gallant man now is as though an army should desert their general upon the field of battle. . . . In the name of those that perished in the skeleton clutch of famine at Andersonville and Libby, whose sufferings he so vividly remembers, Illinois — Illinois nominates, etc."[1] The presentation of the remaining candidates followed immediately and it was thought that if the balloting had begun on that day Blaine would have been nominated but compelled, so Blaine wrote in his history, by "the gathering shades of evening"[2] the convention at 5.15 P.M. decided to adjourn.

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[1] New York *Herald*, Life of Nast, Paine, p. 282.

[2] Appletons' Annual Cyclopædia, 1875, p. 743.

[3] Dec. 15, the vote was 233 : 18, *Record*, p. 228.

[4] Around the World with General Grant, J. R. Young, vol. ii. p. 275.

[5] Life of Nast, Paine, p. 331; see *Harper's Weekly*, June 24.

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[1] On the 3, 4, 5 and 6 ballots five votes went to Blaine, two to Wheeler.

It was clearly a case of Blaine against the field and it was evident that the nomination would go to him, or Bristow, or some candidate who had hardly been dreamed of as a probability. Bristow had commended himself to the reformers by his prosecution of the whiskey thieves, which, joined to his sterling qualities, eminently fitted him for their candidate. He was strongly supported by a number of influential newspapers and, had he lived north of the Ohio River, might have been nominated, but he could not secure the electoral vote of his own State of Kentucky and there were grave doubts among many Republicans whether or not it were wise to choose their candidate from a State whose sympathy was with the South. Two other favourite sons were placed in nomination, Hartranft the Governor of Pennsylvania and Marshall Jewell, the actual Postmaster-General, who was looked upon as representing in the cabinet with Bristow the cause of administrative reform. Neither had any chance but it was an important question to whom would their votes go. Finally Rutherford B. Hayes had been commended to the country by John Sherman in a cogent public letter and he had the unanimous support of his State.

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[1] Official Proceedings of the National Republican Conventions, Johnson, pp. 294–296.

[2] Vol. ii. p. 571.

The balloting began on Friday, June 16. On the first ballot Blaine had 285, Morton 124, Bristow 113, Conkling 99, Hayes 61, Hartranft 58, Jewell 11. Bristow reached his highest vote, 126, on the fourth ballot; on the sixth he had 111 to Hayes 113 and Blaine 308. Blaine, seated near the telegraph instrument in his own house in Washington, where he watched the progress of the balloting noted that Hayes, unlike all the other candidates, had gained on each successive vote and expressed the opinion that he would be nominated. Michigan had started the movement toward Hayes by giving him her solid vote on the fifth and sixth ballots. On the seventh Indiana withdrew Morton and gave Hayes 25 votes, Kentucky withdrew Bristow in his favour, New York withdrew Conkling and gave him 61, Pennsylvania withdrew Hartranft and gave him 28. Twenty-one of the Massachusetts delegates voted for Hayes. The ballot stood Hayes 384, Blaine 351, Bristow 21, Hayes receiving but five votes more than was necessary for a choice. On the motion of William P. Frye, one of Blaine's trusted lieutenants, the nomination was made unanimous. There was a strong undercurrent of feeling in Pennsylvania and New York for Blaine and, when the break-up came, more votes would have gone to him from those States had it not been for the conviction that he was a vulnerable candidate. John Hay, in a letter to Blaine of June 17, gave a different explanation of the result. "It is a bitter disappointment to all of us," he wrote, "but still we can see that you received the greatest personal tribute yesterday which has ever been given to a public man in this country. Without a single machine vote, in face of the most energetic machine work, you had not only your three hundred and fifty-one votes, but also the cowardly good-will of the Ohio and Pennsylvania delegations, three-fourths of whom would have voted for you if they had dared defy the machine lash."[1] John Sherman affirms that Blaine was the favourite of the convention but that the antagonism of Conkling probably defeated him.[2]

It will be remembered that Blaine swooned on the steps of his church on Sunday, June 11. Two days later he sent a despatch to his friends in Cincinnati saying that he was "entirely convalescent suffering only from physical weakness."[1] In his defeat he displayed one of his best traits sending to Hayes at once an earnest assurance of his support. Stanwood writes that he "was really not seriously disappointed" at the result, a statement easy to believe, as with Blaine as presidential candidate the issue must have been, as it was eight years later, his personal character.[2]

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[1] Life of Blaine, Gail Hamilton, p. 418.

[2] Recollections, vol. i. p. 550. Conkling, being intensely vindictive, had never forgiven Blaine for his remarks in the House on April 30, 1866. Referring to Conkling, Blaine said: "As to the gentleman's cruel sarcasm, I hope he will not be too severe. The contempt of that large-minded gentleman is so wilting; his haughty disdain, his grandiloquent swell, his majestic, supereminent, overpowering, turkey-gobbler strut has been so crushing to myself and all the members of this House, that I know it was an act of the greatest temerity for me to venture upon a controversy with him. But, sir, I know who is responsible for all this. I know that within the last five weeks, as members of the House will recollect, an extra strut has characterized the gentleman's bearing. It is not his fault. It is the fault of another. That gifted and satirical writer, Theodore Tilton, of the New York *Independent*, spent some weeks recently in this city. His letters published in that paper embraced, with many serious statements, a little jocose satire, a part of which was the statement that the mantle of the late Winter Davis had fallen upon the member from New York. The gentleman took it seriously and it has given his strut additional pomposity. The resemblance is great. It is striking. Hyperion to a satyr, Thersites to Hercules, mud to marble, dunghill to diamond, a singed cat to a Bengal tiger, a whining puppy to a roaring lion. Shade of the mighty Davis, forgive the almost profanation of that jocose satire!" *Globe*, p. 2299. An account of this debate is given by Gail Hamilton, chap. ix. See also Conkling and Blaine-Fry controversy, J. B. Fry.

William A. Wheeler of New York was nominated for Vice-President by acclamation after a ballot had proceeded far enough to show that he was the undoubted choice of the convention.[3]

On June 28 the National Democratic Convention met in St. Louis and adopted a platform remarkable for its positive and vigorous expression. The authorship of it was attributed to Manton Marble, the accomplished editor of the New York *World*, and it had indeed a literary symmetry rare in such documents. It made a powerful arraignment of the Grant administration and the Republican party; declaring that reform was impossible within the party now in power and that the situation demanded a change of measures and men, it asked the people to intrust the Democrats with the conduct of the government, promising financial, tariff, civil service and administrative reform. It also promised economy in expenditures, and, while accepting the three constitutional amendments "as a final settlement of the controversies that engendered civil war," called for home rule at the South. The convention nominated Samuel J. Tilden of New York for President and Thomas A. Hendricks of Indiana for Vice-President, the strongest men in their respective States, the electoral votes of which were necessary for the success of the Democrats. The only possible objection to Hendricks — but it was a grave one — was that he was unsound on the financial question, but, as the hard-money Democrats dictated the platform and the candidate for President, something had to be conceded to the soft-money wing of the party.

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[1] Gail Hamilton, p. 396.

[2] My authorities are Official Proceedings of Republican National Conventions, Johnson; Stanwood, History of the Presidency, Life of Blaine; Gail Hamilton, Life of Blaine; John Sherman's Recollections, vol. 1; George F. Hoar, Autobiography, vol. 1; Life of Morton, Foulke, vol. ii.

[3] George F. Hoar wrote, "As soon as the nomination of President Hayes was declared in the Convention I spent a very busy hour in going about among the delegates whom I knew, especially those from the Southern States, to urge upon them the name of Mr. Wheeler as a suitable person for Vice-President. I have no doubt I secured for him a great many votes, and that those votes secured him his nomination. James Russell Lowell was a Massachusetts delegate. He was a little unwilling to vote for a person of whom he had no more knowledge. I said to him: 'Mr. Lowell, Mr. Wheeler is a very sensible man. He knows the Biglow Papers by heart.' Lowell gave no promise in reply. But I happened to overhear him, as he sat behind me, saying to James Freeman Clarke, I think it was, 'I understand that Mr. Wheeler is a very sensible man.'" Autobiography, vol. i. p. 244.

Tilden, now sixty-two years old, was a man of varied talents. An able corporation lawyer, he had a good head for business and had amassed a fortune. Selfish and exacting, he nevertheless believed that honesty is the best policy and acted accordingly. Active for a long while in State politics without holding office, he had no national reputation until the overthrow of the Tweed ring in which he bore an honourable part. Entering upon his duties as governor[1] in January 1875 he soon made an attack on the corrupt canal ring, an organization composed of both political parties that stole considerable sums from the State by making excessive charges for repairs and by drawing money for work never done at all. He succeeded in overthrowing the ring; and this with his excellent messages and speeches on national affairs showed that he had sound ideas of government and courage to execute them. Yale College showed its appreciation of his work by conferring upon him the degree of Doctor of Laws. During 1875 and 1876, until the conventions met, the two men who stood conspicuously before the country for reform were Tilden and Bristow. The Democrats, with their platform and the ticket of Tilden and Hendricks, had made their most powerful possible combination and might well hope for victory.[1]

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[1] He was elected governor of New York in the autumn of 1874. *Ante.*

In 1872 the voter for President had a choice of evils; in 1876 either vote was a good one. "There is very little to choose between the candidates," wrote Lowell; "though so far as the South is concerned, I rather sympathize with the Democrats."[2]

Hayes, now in his fifty-fourth year, a native of Ohio, commanding universal respect at home, was until 1875 unknown outside of his own State, although he had served one term in the national House. A brave soldier during the war, wounded at South Mountain, he obtained the rank of brevet-major-general but achieved no distinction. He was now serving his third term as governor and in the canvass of 1875 had shown his mettle. Hardly any one in the East understood what it meant for one aspiring to high office to be an unfaltering hard-money man in Ohio at that day, but Hayes had worked out his opinions for himself; he knew that he was right and he was immovable. The thought always uppermost with him was how best to respond to the call of duty; and this it was which drew him into the public arena when he preferred the pleasures of private life. Inheriting a considerable estate in 1874 and enjoying the comforts of his northern Ohio home, he was loath to leave it but his party deemed him the strongest man to make the fight against William Allen and inflation and, when that became clear to him, he hesitated no longer to enter upon the stubborn contest. Honest by nature, the idea never entered his head that he could in the slightest degree, for whatever cause, swerve from the path of honour. His judgment was sound, not from intuition, but based on intelligent reasoning. A graduate of Kenyon College he was a good student in his active life, reading good books and frequenting the society of educated men. Slow in thought, speech and action, when once he made up his mind, he was inflexible and not tormented by vain regrets. He never had to waste time and nervous energy in explaining away words and acts in his past career. Lacking the brilliant parts and personal magnetism of Blaine and Garfield, he won his way by plodding industry towards a never changing goal. Given to deep reflexion, he enriched our political idiom with, "He serves his party best who serves the country best."[1]

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[1] See Life of Tilden, Bigelow, vol. i.; Blaine, vol. ii.; History of the Presidency, Stanwood; Life of Bowles, Merriam.

[2] July 12, Letters, vol. ii. p. 174.

From such a man might have been expected by those who knew him such a letter as really issued from his pen [July 8] but its directness and sound doctrine were a complete and agreeable surprise to the reformers of the East. His discussion of one subject would have fitted an address to a Civil Service Reform convention. "More than forty years ago," he wrote, "a system of making appointments to office grew up, based upon the maxim, 'To the victors belong the spoils.' The old rule, the true rule, that honesty, capacity and fidelity, constitute the only real qualifications for office, and that there is no other claim, gave place to the idea that party services were to be chiefly considered. . . . This system ought to be abolished. The reform should be thorough, radical and complete. We should return to the principles and practice of the founders of the government, supplying by legislation, when needed, that which was formerly the established custom. They neither expected nor desired from the public officer any partisan service. They meant that public officers should owe their whole service to the government and to the people. They meant that the officer should be secure in his tenure as long as his personal character remained untarnished and the performance of his duties satisfactory. If elected, I shall conduct the administration of the government upon these principles, and all the constitutional powers vested in the Executive will be employed to establish this reform."[1] Carl Schurz could not have been sounder on finance. Hayes demanded the resumption of specie payments and he spoke of the pacification of the South with comprehension and sympathy.

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[1] John Sherman's letter of Jan. 21, 1876, Recollections, vol. i. p. 522; *The Nation*, June 22–29, pp. 390, 408; Carl Schurz's article, Appletons' Cyclopædia of Biography.

Hayes's letter was a great improvement on the glittering generalities and, to some extent, unmeaning declarations of the Republican platform but Tilden's [July 31] fell far below the manifesto of the Democratic convention and was a disappointment to those who had studied his words and acts as governor. The timidity and vacillation of his character were displayed in the larger field of thought. Apparently fearful of repelling the support of some sections, he indulged in commonplaces and paltered with the financial question. In other respects his letter was laboured and evasive. One word that he employed caused merriment to the wits of the campaign. Discussing the holding of the offices by "a body of political mercenaries" he wrote, "The public interest in an honest skilful performance of official trust must not be sacrificed to the usufruct of the incumbents."[2] This was seized upon with derision and the appellation "old usufruct Tilden" coined.

Mark Twain declared outspokenly for Hayes. The letter of acceptance, he said, "corralled" his vote at once. A Tilden Club, having asked him to assist at their flag-raising and give counsel, his counsel, expressed "in the kindest manner," was, "not to raise their flag."[1]

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[1] Appletons' Annual Cyclopædia, 1876, p. 783.

[2] Ibid., p. 790.

In their letters Tilden and Hayes placed before the country questions of administration, both looking to improvement and both thoroughly competent for the work which they had set out to perform; but they could not determine the issues on which the campaign was fought. It soon became manifest that in a contest on such lines the Republicans would be placed on the defensive and at a decided disadvantage; for it was difficult to defend the Grant administration, so severely had it been condemned in the house of its friends. The *tu quoque* argument was tried in a criticism of the Democratic House of Representatives, but this was welcome ground for the Democrats. Despite some shortcomings, through ignorance and inexperience, it was the best House that had sat in Washington for at least six years. It showed its character in the choice of its speaker, elevating to that high place Michael C. Kerr of Indiana, one of its wisest and purest members, one of the most honourable men in public life whose conduct of his office was in sharp and wholesome contrast with that of his predecessors Blaine and Colfax.[2] He favoured resumption of specie payments but could not lead the House in that direction as his party in the West and South was not sound on finance. He was an advocate of a reduction of the tariff and appointed a Committee of Ways and Means that framed a good tariff bill which however received little consideration from the House.[3]

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[1] Boston *Daily Advertiser*, Aug. 17.

[2] "Mr. Kerr was, we believe, the only man in public life, investigated during the session, who not merely proved that the charges against him were unfounded, but came out of the ordeal with a reputation strengthened by the attacks made upon it." *The Nation*, Aug. 24.

[3] Stanwood, American Tariff Controversies, vol. ii. p. 195.

But the action of many of his committees gave an invigorating tone to public life.[1] A Democratic committee seconded Bristow in his prosecution of the whiskey thieves; other committees exposed Belknap, found out Blaine, and showed up the extravagance and lawlessness of the Navy Department. The House cut down the appropriations nearly thirty millions[2] and would have effected still greater economies had it not been blocked by the Senate that "secret and irresponsible club," in the words of Lowell, which governed the country "for their own private benefit."[3] Kerr was a martyr to public duty. Afflicted with a wasting disease, which rest and a change of climate might have stayed, he stuck to his post and died a few days after Congress adjourned.[4]

Although Blaine could not compass the nomination, he determined in his speech of January in the House the main issue of the campaign. To abuse the South and revive the passions of the war was his aim and the aim of those who wrought with him; and a dastardly massacre of five negroes at Hamburg, South Carolina furthered this purpose. This was a line of speech welcome to Morton and he declared in the Senate: "My Democratic friends have but two arguments in this campaign. The argument has been in the South violence, intimidation; and the argument in the North is the cry of reform and corruption. The first argument is the shot-gun, the revolver, the bowie-knife, and it is sharp and murderous; and the second argument is false and hypocritical."[1]

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[1] The influence of the choice of Kerr as speaker "has been felt throughout the session, and has had the result of making it exceptionally free from the taint of questionable legislation of any kind." *The Nation*, Aug. 24.

[2] *The Nation*, Aug. 24, p. 112; Randall's speech, Aug. 14, 1876, *Record*, p. 5608. An examination of the official estimates and statements of appropriations leads me to the opinion that Randall's estimate of the amount of reduction, $29,944,000, was full high.

[3] April 10, Letters, vol. ii. p. 161.

[4] President Grant announced his death in a proclamation of Aug. 21, characterizing him thus, "A man of great intellectual endowments, large culture, great probity and earnestness in his devotion to the public interests."

The argument based on outrages on the negroes at the South by white Democrats was called in political parlance "waving the bloody shirt"; and the endeavour was made to associate with it in the Northern mind a dread of the solid South, a classification into which was lumped all the former slave States, those which remained in the Union as well as those which made up the Southern Confederacy. These cast 138 electoral votes. Should they all be given to Tilden, New York and Indiana in addition, or New York, New Jersey and Connecticut would suffice to elect him. Thus it was asserted that it was proposed to govern the country by votes of "rebels" in conjunction with the slums of New York City and the cities of New Jersey assisted perhaps by Indiana, whose loyalty during the Civil War was not above suspicion. As the "rebel brigadiers" controlled the House of Representatives and put into the fat offices of that body their soldiers, so would they in like manner dominate the whole country. "We confront the old issue," said Wheeler on the stump. "Let your ballots protect the work so effectually done by your bayonets at Gettysburg."[2] "We are dealing with a new rebellion," declared Senator Edmunds.[3]

The "bloody shirt" and the "solid South" placed before the people in the impassioned rhetoric of Blaine, Robert Ingersoll and Morton proved powerful arguments and served to keep the Republicans in the ranks in Ohio and Indiana, when otherwise many might have been led to forsake their old party allegiance because of the "hard times" and by the charge of the Democrats that the party in power had done nothing to mitigate them but on the contrary had aggravated the conditions by their policy of forced resumption. The depression following the panic of 1873 continued and there was no indication of a revival of business. The financial policy of the Republican party did not commend itself to manufacturers, who were barely making both ends meet, and to labourers out of employment and, while there was little difference between Hayes and Tilden on practical finance, yet, as in the East, the Republicans gained votes on the ground that their party was the sounder, so, for the same reason, they were in danger of losing them in Ohio and Indiana. And these two were the most important States in the Union as they held their State and congressional elections in October. "A bloody shirt campaign, with money, and Indiana is safe," wrote Kilpatrick to Hayes; "a financial campaign and no money, and we are beaten."[1] Schurz, who was on the Republican side, tried, almost in vain, to keep other questions before the people and in the excitement of the contest Hayes himself was carried along with the tide, writing to Blaine just as he was about to start on his stumping tour through Ohio and Indiana: "In this State and in Indiana the greenback heresy is strong. At the State elections all factions of the Democrats will be united against us. . . . Our strong ground is the dread of a solid South, rebel rule, etc., etc. I hope you will make these topics prominent in your speeches. It leads people away from 'hard times' which is our deadliest foe."[2] Lowell who intended to vote for Hayes sorrowfully confessed: "The worst element of the Republican party has got hold of the canvass, and everything possible is done to stir up the old passions of the war. Of course I with all sensible men hate this, but our protest is drowned in the drums and trumpets of a presidential election."[1]

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[1] July 18, Life of Morton, Foulke, vol. ii. p. 411; *Cong. Record*, p. 4689.

[2] Life of Bowles, Merriam, vol. ii. p. 278.

[3] *The Nation*, Sept. 14, p. 160.

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[1] Aug. 1, Appletons' Annual Cyclopædia, 1876, p. 410. As to Kilpatrick see my vol. v. pp. 24, 89.

[2] Sept. 14, Life of Blaine, Gail Hamilton, p. 422.

Hayes's personal character was a tower of strength on the Republican side but Tilden was vulnerable. The Republicans tried to make out that he was a "railroad wrecker" or "shark" but this charge does not appear to have been sustained. More damaging was the charge respecting his income tax return. Although a rich man he returned only $7118 as his income for 1862 and next year a like small amount. In the years thereafter he made no return whatever[2] leaving the amount to be estimated by the Federal assessor. It was charged that in 1862 he had a net income of $89,000 and had cheated the government out of more than $4000. For this accusation were furnished particulars, which enabled Tilden to make, so far as this year was concerned, a good defence. The assumption that, for a rich man, he had paid too little in the years when he was assessed, as well as in the two when he made a return, was met by the explanation that his income-producing property was largely in railroad stocks and bonds and other securities, on which the tax was deducted by the companies before the interest and dividends were paid.[3] While Tilden complied with the law according to the conventions of his class and the time, it was another thing to affirm that he had paid every cent of income tax due from him which a strict and highly conscientious interpretation of the statute might have exacted. Had he remained a private citizen, the affair would never have been heard of but, as candidate for President, the Republicans proposed to hold him subject to the most rigid demands of honour.

Nast, playing upon the pseudo-patriotism of the campaign, made Tilden's selfishness in money matters the subject of a cartoon. Tilden, timid and shrinking, is placed "between two fires." On one side a Union soldier, on the other a Confederate demands "Whose side were you on?" and "Reformed Usufruct" answers, "I — I was — busy in court with a *Railroad Case*."[1]

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[1] Sept. 24, Letters, vol. ii. p. 176.

[2] With possibly the exception of one year.

[3] *The Nation*, Sept. 28, p. 190; Life of Tilden, Bigelow, vol. ii. p. 232.

Nast, whose eye was to the doubtful Eastern States rather than to Ohio and Indiana, made prominent the unreliability of the Democrats on the financial question. Picturing inflation as a rag-baby, flabby and limp, needing constant nursing and support, his first use of it was its portrayal as left on Thurman's doorstep, an apt allusion to the vain endeavour of the Ohio senator to hold fast to sound ideas in a State where his party had embraced the cause of inflation. Another cartoon and less justifiable displayed Tilden nursing the rag-baby; but the rag-baby for the West and the golden calf for the East was a just representation of the sectional difference in the Democratic party.[2]

In Ohio and Indiana the canvass was exciting and the contest close. Every inch was fought over. The prominent men of both parties were in the field arguing their cause and begging for votes. In Ohio the large number of able men who were running for Congress added intensity to the struggle. Stanley Matthews, J. D. Cox, Charles Foster, James Monroe, Garfield and William McKinley were contestants on the Republican side, Frank Hurd and Henry B. Payne on the Democratic.[3] Torchlight processions were numerous and on the Saturday night previous to the election, so wrought up were both sides, that it was feared that collisions between the rival bodies might take place — a fear which happily was not realized. In Indiana Benjamin Harrison, Republican, contested the election for governor with "Blue Jeans" Williams, a simple and honest farmer whose sobriquet came from his garb.

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[1] Life of Nast, Paine, p. 338.

[2] Ibid., pp. 314, 334, 335.

[3] Matthews, Hurd and Payne were not elected.

On Tuesday October 10 the two States voted. The Republicans carried Ohio by 6636, the Democrats Indiana by 5084. Different from nearly all previous October elections in presidential years, these indicated nothing but that the contest would still be stubborn and close. All eyes were directed to New York. Tilden must have it to win; it also seemed necessary for Hayes.

The management of the campaign on both sides was skilful. Chandler, Grant's Secretary of the Interior, was chairman of the Republican National Committee and Abram S. Hewitt occupied a similar position in the Democratic party but Tilden himself had much to do with the conduct of his own campaign. An adept in the running of political machinery, he was vacillating when confronted with a troublesome question of State. The Republicans asserted that if the Democrats gained control of the government they would pay the "Southern claims," that is the debt of the Confederacy and the losses and damages incurred by the Southerners during the war and that they would further provide for compensation for the slaves. Solicitous in regard to the effect of this iterated and reiterated assertion Hewitt wrested from Tilden an emphatic declaration against such a policy and a promise to "veto every bill" providing for the payment of such claims. With Tildens' letter once in his hand, Hewitt hastened to publish it lest he might change his mind and refuse to express himself in so positive a way.

The Republican National Committee freely levied assessments on the office-holders for their campaign fund and Chandler was a ruthless collector. The Democrats criticised this practice and the Republicans retorted that Tilden was spending an enormous sum of money to secure his election. "Uncle Sammy's bar'l" was a favourite phrase and Nast depicted Tilden emptying a large barrel of greenbacks or bank-notes into the ballot-box, summing up in his cartoon the issues of the campaign: "The shot-gun policy South, the barrel policy North;" "The solid South and the solid Tammany;" "Mr. Tilden's War record, defeating the tax collector."[1]

"Bulldozing" tactics do not seem to have been used to any great extent, if at all, in the South except in South Carolina. The best argument for the Democrats in the Northern States was tranquillity in the South and the whole influence of their party was exerted to this end. But in South Carolina, negro rule had been so horrible that her white people had become desperate, and, to throw it off, had adopted the "Mississippi plan." They believed, wrote Daniel H. Chamberlain in 1901, that their choice lay "between violence and lawlessness for a time and misrule for all time" and they therefore conducted the campaign "as if it were a life or death combat."[2] The Hamburg massacre and Chamberlain's denunciation of it prevented the most logical and common-sense course, the endorsement of Chamberlain for governor by the Democrats, who nominated instead a "straight-out" ticket with Wade Hampton at its head. Chamberlain was nominated for governor by the Republicans and the contest was bitter, but he has since become its impartial historian. "The progress of the canvass developed," he wrote in 1901, "not only into violence of words and manner, but into breaches of the peace, interference with public meetings called by one party and latterly into widespread riots. . . . The concealments of the canvass on these points have long been remitted with the occasion which called for them. It is not now denied but admitted and claimed by the successful party that the canvass was systematically conducted with the view to find occasions to apply force and violence;" and there was "a system of violence and coercion ranging through all possible grades from urgent persuasion" to the rule of the mob.[1] His recollection is sustained by the contemporary documents.[2] In October, Governor Chamberlain,[3] believing that he needed aid for the suppression of domestic violence, applied for United States troops to President Grant who sent a force into the State. The election passed off without bloodshed.

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[1] Life of Nast, Paine, p. 341.

[2] *Atlantic Monthly*, April 1901, p. 481.

South Carolina however did not furnish "outrages" enough for the Republican argument at the North. There is evidence that the report of one outrage was a base fabrication,[4] and similar mills probably ground out other false accounts which swayed public sentiment in the doubtful Northern States.

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[1] *Atlantic Monthly*, April 1901, p. 480.

[2] See Governor Chamberlain's Administration in S.C., Allen.

[3] His first term continued until December.

[4] J. B. Harrison, an observing and truthful correspondent of the New York *Tribune*, wrote on July 20, 1881: "In Mississippi also I was told by a number of Northern people of an account sent to the Northern press during the 'Hayes campaign' which located an atrocious political outrage at the place where I was then visiting. These persons seemed reputable and they all affirmed that nothing of the kind had ever occurred there. I inquired regarding the author of the despatch, and learning that he was still living a few miles away I went to see him. He laughed when I told him my errand, took a fresh chew of tobacco and crossing his feet on the table before him, began talking of the affair in an easy fluent indifferent style which seemed to indicate that he was glad to have somebody to talk with and would as lief talk of that subject as any other. 'Then the despatch was not really true,' I said. 'Well,' he replied, 'it was true as to the spirit of the South generally at that time.' 'But why did you say that such and such things happened at a particular place if they did not?' 'Well now you know it would not be of any account to say at such a time there was lots o' devilish feeling in the South. But it rather wakes people up to tell them that something's been done at a place they've heard of.' 'But it was not true.' But he thought the use of a fable or parable was justifiable under the circumstances because it was the only way to give point or effectiveness to any account of the conditions of the South at that time. 'All writers does pretty much the same thing,' he urged; 'they have to.' 'Oh I hope not,' I said. 'Well, now if you lived down here a while you'd find out we have to fight the devil with fire.' The Northern people who told me of this occurrence were good Republicans and they were especially indignant about the fabrication because it alarmed some of their Northern friends who had been prepared to remove to that region but were now frightened from their purpose." New York *Tribune*, Extra, Aug. 1881.

This was the Centennial year of American Independence, which had been ushered in by the ringing of bells and the firing of cannon, and a great exhibition was held in Philadelphia to commemorate the event. The civic pride of that city was aroused and, enforced by the enthusiastic co-operation of the rest of the State, it inspired an efficient management which organized a world's fair fitly to be compared with the Paris Exposition of 1867 and the Vienna fair of 1873. With the education of a mass of our people in art and artistic things which this Exhibition began, my story has nothing to do, but I refer to it as an amenity softening the bitterness of the political campaign. The total admissions were nearly ten millions and this number represented the visit of a mass of good-natured people from all over the North who forgot for the moment that they were Democrats or Republicans in their pride of being Americans. The attendance was enormous in October and this was the month in which the tension of the election was highest.

The chances seemed about even. It was thought that all the Southern States except South Carolina would go for Tilden. New York was the pivot and was claimed by both parties. Betting men thought the result a fair gamble. Morrissey kept open and conspicuous pool-rooms in New York City, in which thousands of dollars were staked nightly, with the odds in favour of Tilden.

The excitement had been so intense and prolonged that when the polls closed in the afternoon of November 7 every thoughtful citizen had a sense of profound relief.[1]

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[1] My authorities are *The Nation*; New York *Tribune*; Appletons' Annual Cyclopædia, 1876; Life of Morton, Foulke, vol. ii.; Life of Bowles, Merriam, vol. ii.; Life of Blaine, Gail Hamilton; Sherman's Recollections, vol. i.; Governor Chamberlain's Administration in S.C., Allen; Life of Tilden, Bigelow, vols. i. and ii. I myself have a vivid recollection of this campaign.

CHAPTER XLIV

In cities and towns, it was a common custom for men and boys to go out at night to hear the election returns. On this November 7 the intense anxiety brought from their homes an unusually large number of men, who crowded the streets near the newspaper offices and filled almost to suffocation the rooms of the different headquarters. Others heard the returns at the theatres, still others got the news at their clubs. It was known early in the evening that New York had gone for Tilden and long before midnight that he had also carried New Jersey, Connecticut and Indiana. With these States sure, it was reckoned that he had the "solid South" or enough of it to insure his election by a safe majority in the electoral college. Hardly anybody can have gone to bed that night with any other idea than that Tilden would be the next President. On Wednesday, November 8, nearly every morning newspaper in the country announced his election. But there were two exceptions. The New York *Times* and the New York *Herald* said that the result was in doubt. The *Herald* asked: "Who is elected president? As we go to press this question is nearly as much of a mystery as it was Tuesday morning." In its later and city edition, the *Times* tabulated 184 votes for Tilden and 181 for Hayes, placing in the Hayes column, South Carolina and Louisiana. Florida, it said, was doubtful but the Republicans claimed that State, whose four votes would give Hayes 185, a majority of one.[1] This news caused great excitement in New York, which soon spread throughout the country. At two o'clock in the afternoon [Wednesday November 8] the *Times* displayed on its bulletin board, the figures, Hayes 185, Tilden 184. At half-past ten that evening the Republican National Committee issued from the Fifth Avenue Hotel this bulletin: "Despatches received at these headquarters report that Louisiana, Florida, South Carolina, Wisconsin, Oregon, Nevada and California have given Republican majorities. There is no reason to doubt the correctness of these reports and if confirmed the election of Hayes is assured by a majority of one in the electoral college."[2]

The excitement continued for a number of days. Business was neglected and crowds hung about the bulletin boards. The party newspapers made claims and counter-claims, but the dispute settled down to three States, South Carolina, Florida and Louisiana. Tilden had certainly 184 electoral votes: the vote of one of these States would elect him. Hayes had undisputed 166: he needed South Carolina's 7, Florida's 4 and

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[1] Life of Tilden, Bigelow, vol. ii. p. 9.

[2] New York *Herald*, Nov. 9. I have not been able to find any contemporary authority for the "historic telegram" of Zachariah Chandler said to have been sent very early in the morning of Nov. 8, "Rutherford B. Hayes has received 185 electoral votes and is elected." Blaine, vol. ii. p. 580. This despatch is given in most of the books. In the Life of Chandler (p. 357) no day or hour for it is stated but "as soon as the smoke lifted from the battlefield his despatch appeared." In 1903 Frederick W. Holls told me that he was in Chandler's room at the time that he wrote the telegram and saw it or heard it read. At a little after one o'clock in the morning of Nov. 8 Chandler gave it to a messenger to take to the telegraph office. This account is inconsistent with that given by John C. Reid, editor of the news department of the New York *Times*. Life of Tilden, Bigelow, vol. ii. p. 11. The New York *Herald* of Nov. 9 reports Chandler saying during the afternoon of the 8th: "There is very little doubt now that Hayes is elected. It did look a little blue last night." At 10.30 P. M. of the 8th, "Chandler has just announced that if the despatches are correct and he has no reason to doubt them Governor Hayes is elected beyond a doubt."

Louisiana's 8 for the necessary 185. The throngs who read or listened and asserted their parties' claims were disputatious and excited, although on the whole good-natured; but, as the excitement went on increasing, angry conflicts were feared, and the newspapers adjured calmness and begged men to cease crowding together in the streets and to resume their several vocations.

A step taken by President Grant began to allay the excitement. On November 10, he sent to Sherman, the General of the army, this despatch: "Instruct General Augur in Louisiana and General Ruger in Florida to be vigilant with the force at their command to preserve peace and good order, and to see that the proper and legal boards of canvassers are unmolested in the performance of their duties. Should there be any grounds of suspicion of a fraudulent count on either side it should be reported and denounced at once. No man worthy of the office of President should be willing to hold it if counted in or placed there by fraud. Either party can afford to be disappointed in the result. The country cannot afford to have the result tainted by the suspicion of illegal or false returns."[1] It soon appeared that South Carolina's vote honestly belonged to Hayes but that, on the face of the returns, Tilden had carried Florida and Louisiana. Had these been Northern States the dispute would have ceased forthwith. These two States would have been conceded to Tilden, and his election secured; but, under the carpet-bag-negro régime, the canvassing boards of Florida and Louisiana had the power to throw out votes on the ground of intimidation or fraud, and these boards were under the control of the Republicans. In Florida the returns of the county canvassers gave a majority for the Tilden electors of 90, which, because of alleged frauds and irregularities, was converted into a majority of 925 for Hayes by two of the three members of the Board of State Canvassers.[1] The result was undeniably close and, while the preponderance of the evidence is in favour of Tilden, impartial and honest men might differ about it: that the regular certificate should be given to the Hayes electors could not be counted a monstrous grievance.

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[1] Blaine, vol. ii. p. 581; Boston *Daily Advertiser*, Nov. 11.

The great bone of contention was Louisiana; and the scene of the conflict, the turbulent city of New Orleans. On November 10, President Grant invited a number of prominent Republicans to go to New Orleans to witness the canvass of the votes and Abram S. Hewitt, chairman of the National Democratic Committee, issued a like invitation to Democrats of similar standing. Thither repaired twenty-five Republicans and twenty-three Democrats. Among the Republicans were John Sherman, Stanley Matthews, J. A. Garfield, W. D. Kelley, John A. Kasson, Eugene Hale, Cortlandt Parker, M. S. Quay and Lew Wallace. Among the Democrats, John M. Palmer, Lyman Trumbull, William R. Morrison, Samuel J. Randall, A. G. Curtin, J. E. McDonald, J. R. Doolittle, George W. Julian, Henry Watterson and W. G. Sumner. These are known as the "visiting statesmen." The Democrats by letter asked co-operation on the part of their Republican brethren to secure "an honest count and true return of the votes" but, as the Republicans possessed the Returning-Board,[2] they declined the offer and stood on the law and the principle of non-interference with States' rights.[3] The Returning-

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[1] Report 143, 44th Cong. 2d Sess., part. i. p. 3, part ii. p. 7. The Democrats on the committee of the House of Representatives that made this report maintained that a correction of frauds and irregularities would give a Tilden majority of 1600. The Republicans asserted that on the face of the returns Hayes had 43 majority, by the recanvass, 21, part ii. p. 33. The canvassing board was composed of the Secretary of State, Comptroller, and Attorney-General. The two first were Republicans and signed the certificate of the Hayes electors.

[2] The name given to the State returning-board.

[3] See the correspondence, Ex. Doc. No. 2, 44th Cong. 2d Sess., p. 31.

Board of Louisiana invited committees of five of each of the bodies of "visiting statesmen" to attend their open meetings. The invitations were accepted and Republican and Democratic witnesses were present at these sessions.

The Board was composed of James Madison Wells, Thomas C. Anderson, and two coloured men, Casanave and Kenner, all Republicans. Wells, its president and master spirit, now held the lucrative Federal office of the surveyor of the port in New Orleans. Concerning him, Sheridan wrote in 1867 to Secretary Stanton: "I say now unequivocally that Governor Wells[1] is a political trickster and a dishonest man. . . . His conduct has been as sinuous as the mark left in the dust by the movement of a snake." Writing to Grant, Sheridan charged Wells with "subterfuge and political chicanery" and said, "He has not a friend who is an honest man."[2] Since 1867, Wells had done the dirty work of Louisiana politics and had steadily deteriorated in character. Anderson was corrupt, Kenner had been indicted for larceny and Casanave was an ignorant nonentity.[3] These same men composed the Returning-Board of 1875, whose action had been condemned by Foster, Phelps, Hoar and Wheeler.[4] According to the law, the Democrats should have had representation on the Board and, in its original constitution, one member had been a Democrat, but he resigned in 1874, and, although the Board was repeatedly solicited to fill the vacancy, they steadily refused through various subterfuges to comply with the statute.

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[1] He was then governor of the State.

[2] June 3, 4. S. E. D., 40th Cong. 1st Sess., No. 14, pp. 213–215; Appletons' Annual Cyclopædia, 1867, p. 459.

[3] Report 156, 44th Cong. 2d Sess., part i. p. 7. This is known as the Morrison report; Julian's speech Jan. 8, 1877. Later Speeches, p. 147. John Sherman's characterization of these men is astounding. Ex. Doc., No. 2, p. 6; *post.*

[4] *Ante;* Hoar report, Feb. 19, 1875, p. 19.

At the sessions which the "visiting statesmen" attended, the returns from each parish[1] were opened and the votes for the presidential electors examined. In cases where there were no protests, the returns were sent to a private room to be tabulated by clerks, all of whom were Republicans and five of whom were men of "notoriously bad character," then under indictment for crimes in the criminal courts of Louisiana.[2] Where there were protests based on charges of intimidation and fraud, testimony was taken on both sides. Much of the evidence of intimidation was in the form of *ex parte* affidavits, inaccurate as to dates, and some of it was not connected with the recent election. Nevertheless some intimidation of negro would-be Republican voters by white Democrats was clearly shown to have occurred. On December 2, the Returning-Board went into secret session.[3] Next day, three days before the official canvass was completed, the United States Marshal in New Orleans telegraphed to West,[4] who was in Washington: "Democratic boast entire fallacy. . . . Have seen Wells who says, 'Board will return Hayes sure. Have no fear.'"[5] On December 6, the Returning-Board promulgated the results of their canvass, declaring that the Hayes electors had majorities ranging from 4626 to 4712. On the face of the returns, the Tilden electors had majorities varying from 6300 to 8957. To change this obvious result the Returning-Board threw out 13,250 Democratic votes and 2042 Republican,[6] a net Democratic disfranchisement equivalent relatively to the rejection of 70,000 votes in the State of New York.

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[1] The parish in Louisiana corresponds to the county in other States.

[2] Trumbull, Count of Electoral Votes. Proceedings of Congress and Electoral Commission, 1877, p. 305. This will be referred to hereafter as Electoral Commission.

[3] Letter of Palmer, Trumbull, Julian and others to Hewitt, Dec. 6. New York *World*, Dec. 12.

[4] Republican senator from Louisiana.

[5] Morrison report, p. 9.

[6] Palmer-Trumbull-Julian letter. The figures of the Morrison report are somewhat different (p. 1) but the differences are not essential. See also Appletons' Annual Cyclopædia, 1876, p. 489; Electoral Commission, p. 213.

No such change from the local and detailed returns should have been made except on indisputable evidence, by men of the highest character for honesty and fair-dealing and through proceedings open to interested observers. As a matter of fact, Wells and his satellites in secret conclave determined the presidency of the United States; but, before returning the vote of Louisiana for Hayes there is little doubt that he offered to give it to Tilden for $200,000.[1]

The most plausible justification of the action of the Louisiana Returning-Board may be found in John Sherman's letter to President Grant of December 6.[2] Sherman parishes of the State. The returns of votes actually cast in these five parishes suggest that the clubs to whom was assigned the task of securing Democratic majorities therein had performed their work of violence and intimidation effectually; while the proof discloses that where violence and intimidation were inefficient, murder, maiming, mutilation and whipping were resorted to. Instead of a majority of six or seven thousand which the Republicans should have had in these parishes upon a fair election, there was actually returned to the returning-board a Democratic majority, for the parishes of East and West Feliciana, Morehouse and Ouachita, of 3878; and in East Feliciana where the registered colored voters number 2127, not a Republican vote for electors was cast. In East Baton Rouge, containing 3552 colored registered voters and but 1801 whites, the Democrats claim a majority of 617. . . . If, to the Democratic majority from the five parishes as above stated we add the 617 thus claimed and insisted upon before the returning-board, a Democratic majority of 4495 is the result of an election in five parishes containing 13,244 colored Republicans and but 5134 white Democratic voters. The conclusion that intimidation and violence alone could have produced this is almost irresistible; and that such influences were employed, and were supplemented by murder when that was thought necessary, is established by the proofs already referred to." Ex. Doc. No. 2, 44th Cong. 2d Sess., pp. 7, 8.

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[1] *The Nation*, March 8, 1877, p. 140; Trumbull, Electoral Commission, p. 311; Speeches and Essays of J. S. Black, p. 325; House Mis. Doc., 44th Cong. 2d Sess., pp. 138, 144, 145, 376–378. But see minority report, same Cong. and Sess. No. 100, part iii. pp. 7, 8, 19. The Potter report in 1879 said, "It is true that Wells appears to have been for sale, but his price and the payment seem to have been the only doubt attending the result." House Report, 45th Cong. 3d Sess., No. 140, p. 40. The evidence differs in regard to the amount. One witness, whose character was impugned by the Republicans, testified that Wells wanted $200,000 each for himself and Anderson and smaller sums for the negroes.

[2] I have assumed that Sherman wrote the letter which is signed by himself and a number of the Republican "visiting statesmen." "Five of the parishes selected," he said, "in which the greatest violence and intimidation were practised were East and West Feliciana, which border upon that portion of Mississippi in which murder and outrage so prevailed, during and preceding the election as substantially to prevent any Republican vote; East Baton Rouge, which borders upon the southern portion of East Feliciana; Morehouse, which adjoins the State of Arkansas; and Ouachita which adjoins and lies directly south of Morehouse. The geographical position of these five parishes was well suited to the purpose to be attained; for it was easy for the members of the clubs to be formed therein, and who usually perpetrated their outrages with masked faces, to pretend that they were committed by border-ruffians from Mississippi and Arkansas where like outrages had been perpetrated. The location of these five parishes was not however better suited to the plan to be accomplished than was the great disproportion existing therein between the number of white and colored voters. The former numbered but 5134; the latter, 13,244; a majority of the latter equal to more than one third of the entire majority of colored voters in the fifty-seven

Contrariwise Morrison stated: "Intimidation is claimed to have been of two kinds: that which deterred colored men from appearing at the polls and asserting their right of suffrage and that which forced them against their own free choice to vote the Democratic ticket. The first form of intimidation finds its refutation in the increased vote over previous elections [16,071 in a total of 160,964, p. 1] except in East Feliciana Parish. Here the falling off in the vote is accounted for on other grounds, as established by the testimony. It was foreseen that the Democratic ticket would prevail by reason of dissatisfaction with local government and maladministration, for which Republican officials were responsible. Instructions were sent to the local Republican leaders to refrain from voting. No ticket was put forth, and no Republican vote was cast, it being the predetermined purpose to use this voluntary surrender of the right of voting as an argument to sustain the charge of intimidation and a pretext for throwing out the vote of the parish, which was done. . . . There is no pretence that there was, in this parish of East Feliciana or any other, any display of force at the polls. The fact that there was no riot or bloodshed in any locality, no force, intimidation or violence in any parish in Louisiana where both parties voted, gives strong presumption that there was no valid excuse for the Republican voters in absenting themselves from the polls, but that they were purposely kept away to subserve partisan ends. . . . The other form of intimidation alleged to have been practised in Louisiana and by which the Democratic majorities are charged to have been secured, is one by which the colored men, under threats of violence or persecution in various forms, were forced to vote a hated ticket. The basis of this is the fact that a large number of colored men who heretofore voted with the Republican party at this election voted with the Democrats." Adequate reasons for this are presented. Report 156, part i. pp. 10, 11.

placed much reliance also on his claim that Louisiana justly belonged to the Republicans. There were 92,996 white registered voters, 115,310 coloured: these last would have voted the Republican ticket almost unanimously, he argued, had they been free to exercise their choice and the Republican majority ought to have been at least 22,000. This argument however is neutralized by the fact of the frauds in the registration of negro voters. According to the United States census of 1870 the number of negro and white males over the age of twenty-one was almost exactly equal. The disproportion between the population and negro registration had been shown by Foster, Phelps, Potter and Marshall in 1875; and to deprive any future similar statement of force, the government of Louisiana had a State census taken later in the same year and garbled the figures to show an excess of 20,000 black over white voters.[1] Undoubtedly the Republican frauds in registration offset Democratic intimidation.[2]

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[1] Morrison report, p. 5.

[2] In their letter to Hewitt, Palmer, Trumbull and Julian, who had supported Lincoln twice for the presidency and Grant at his first election in common with Sherman, Garfield and Eugene Hale (signers of the letter to Grant), and who we may suppose had then been equally good friends of the negro, wrote: "Another assumption of the Republicans is that all the colored men in the State are necessarily Republicans. This is by no means true. We were visited by a large number of colored persons from different parts of the State including the alleged disturbed districts, who made speeches and took an active part in the canvass in favor of the Democratic ticket, and who gave among other reasons for so doing that they had been deceived by Republican officials, who had proved dishonest and corrupt, had robbed them of their school money and burdened them with unnecessary taxes. . . . It is certain that thousands of colored persons voluntarily and actively supported the Democratic ticket. The entire vote of the State at the recent election is about 15,000 greater than ever before and even in the parishes where intimidation is charged, it exceeds in the aggregate any previous vote." Cf. Morrison report, p. 5. Anent Palmer, Trumbull, Julian and others Hayes however wrote Nov. 7: "The Democrats made a mistake in sending so many ex-Republicans. New converts are proverbially bitter and unfair towards those they have recently left." Recollections of John Sherman, vol. i. p. 559.

Based on the declaration of the Returning-Board Governor Kellogg gave the eight Hayes electors the regular certificate of election.

If Hayes had envisaged the facts as I now do he would have refused to accept the presidency from the Louisiana Returning-Board. On November 27 he wrote to Sherman at New Orleans: "A fair election would have given us about forty electoral votes at the South — at least that many. But we are not to allow our friends to defeat one outrage and fraud by another. There must be nothing crooked on our part. Let Mr. Tilden have the place by violence, intimidation and fraud, rather than undertake to prevent it by means that will not bear the severest scrutiny."[1]

There was indeed something "crooked" in the work of the Louisiana Returning-Board; it used "means that will not bear the severest scrutiny," and Hayes did not therefore live up to the promise of his letter. If he had any idea of renouncing the place he was dissuaded from so doing by John Sherman, who saw him just previously to his visit to New Orleans and immediately after his return. We may divine the burden of his talk at the later visit by his letter of November 23 to Hayes. "We are now collecting," he said, "the testimony as to the bulldozed parishes. It seems more like the history of hell than of civilized and Christian communities. The means adopted are almost incredible, but were fearfully effective upon an ignorant and superstitious people. That you would have received at a fair election a large majority in Louisiana, no honest man can question; that you did not receive a majority is equally clear. But that intimidation of the very kind and nature provided against by the Louisiana law did enter into and control the election, in more election polls than would change the result and give you the vote, I believe as firmly as that I write this. . . . The whole case rests upon the action of the returning-board. I have carefully observed them and have formed a high opinion of Governor Wells and Colonel Anderson. They are firm, judicious and, as far as I can judge, thoroughly honest and conscientious. They are personally familiar with the nature and degree of intimidation in Louisiana. They can see that the intimidation, as organized, was with a view of throwing out Republican parishes rather than endangering Democratic parishes. . . . Not wishing the return in your favor, unless it is clear that it ought to be so, and not willing to be cheated out of it, or to be 'bulldozed' or intimidated, the truth is palpable that you ought to have the vote of Louisiana, and we believe that you will have it by an honest and fair return, according to the letter and spirit of the law of Louisiana."[1]

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[1] Recollections of John Sherman, vol. i. p. 559.

Sherman entered the House of Representatives in 1855 and, in common with his Republican colleagues, endured much from the arrogance of Southern members. His five and a half years of ante-bellum service and his earnestness during the war fixed his political thought for his lifetime and in 1876 he still looked upon the South as an enemy to be circumvented by any possible means that were not palpably outrageous. To him a Democratic administration, with the Southern wing of the party paramount, meant ruin for the country, and, if he doubted for a moment the fairness of the Returning-Board, he stifled the doubt by the Jesuitical argument, which has in a critical time been potent with so many honourable men. McCulloch, a calm observer, wrote, "My own opinion at the time was, and still is, that if the distinguished Northern men who visited those States[2] immediately after the election had stayed at home, and there had been no outside pressure upon the returning-boards, their certificates would have been in favor of the Democratic electors."[1] My study of the contemporary evidence leads me to this conclusion in the case of Florida and of Louisiana. It is not to be supposed that promises of offices or other rewards were made to the members of the Louisiana Returning-Board but these men had the feeling that the presence of the "visiting statesmen" signified that the Great Republican party was at their back and that they would be taken care of. "Louisiana is safe," telegraphed on November 17 the United States Marshal from New Orleans to West at Washington. "Our Northern friends stand firmly by us. The returning-board will hold its own."[2] On the promulgation of the decision Sherman, Garfield and the other Republican "visiting statesmen" became apologists for the Louisiana Returning-Board and it was in this frame of mind that Sherman visited Hayes on his return from New Orleans. He was a master of the art of persuasion. In visualizing his honest face and impressive manner I can well imagine how he urged upon Hayes the conviction that his duty to his party, and his country as well, demanded his acquiescence in the situation. It was a pity that Hayes could not shake off Sherman's influence. Left to himself, he would have been capable of refusing the high office if not honestly obtained and, had he declined to accept it before the Louisiana Returning-Board made their return, though he would never have been President, he would have been one of the world's heroes. As it actually turned out, however, he saw with Sherman's eyes which were those of a stubborn partisan.

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[1] Recollections, vol. i. pp. 558, 559. Hayes's letter of Nov. 27 was in reply to this.

[2] Visitors went also to South Carolina and Florida.

On Wednesday December 6 the different electors in the several States met and voted. From South Carolina, Florida and Louisiana there were two sets of returns, one giving the votes of these States to Hayes, the other to Tilden. There were also two sets of returns from Oregon which came about in this wise. It was undisputed that Hayes had carried the State by over 1000 majority but one of the electors, Watts, proved to be a deputy postmaster and ineligible under the Constitution. The governor, a Democrat, refused to issue him a certificate, but certified instead the election of Cronin, who had received the highest vote of the Tilden electors. Meanwhile Watts had resigned his position as postmaster. The Secretary of State, the canvassing officer under the laws of Oregon, declared that Odell, Cartwright and Watts, the Republican candidates, had received the highest number of votes. These three met on December 6. Watts resigned as elector; the vacancy so constituted was filled by his reappointment and the three cast their votes for Hayes. Cronin, when Odell and Cartwright refused to act with him, withdrew to a far corner of the room, declared two vacancies, appointed Democrats to fill them and this trumped-up electoral college cast two votes for Hayes and one for Tilden.

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[1] Men and Measures, p. 420.

[2] Electoral Commission, p. 242.

Congress had been in session two days when the electors voted, and when the result, which had been foreshadowed, was known, the excitement was intense. According to the regularly authenticated votes, Hayes had 185, Tilden 184 but the Democrats charged that the 4 from Florida and the 8 from Louisiana were stolen. If however the Cronin certificate was held valid Tilden had 185, Hayes 184; but the Democrats had then no desire for the one vote from Oregon and had contrived the plan, so as to raise an issue which would compel Congress to go behind the returns from Florida and Louisiana and investigate the process by which these votes had been cast for Hayes.

The Constitution and the statutes in regard to the counting of the electoral votes were unsatisfactory. The Constitution said, "The President of the Senate shall, in the presence of the Senate and the House of Representatives, open all the certificates, and the votes shall then be counted." Now, the Republicans argued, this plainly implies that if there are two certificates from a State, the President of the Senate must decide which one is valid and count the votes of those electors who are mentioned in the valid certificate of appointment. As the President of the Senate was Thomas W. Ferry of Michigan, a partisan Republican, who could be depended upon to carry out the behest of his party, this meant that the votes of Florida, Louisiana, Oregon and South Carolina would be counted for Hayes and he would thus be declared elected. It is an indication of the strongly defined partisan feeling that Hayes embraced this doctrine, writing to Sherman on January 5, 1877: "I believe the Vice-President alone has the constitutional power to count the votes and declare the result. Everything in the nature of a contest as to electoral votes is an affair of the states. The rest is a mere ministerial duty. Therefore it is not right, in my judgment, for Congress to interfere."[1]

The Republicans, who had long combated the tenet of States' rights, were now its most ardent advocates. The action of a State is final, they asserted, its sovereignty must not be invaded. On the other hand the Democrats were equally inconsistent. As a party, they had been defenders of State-rights and their Southern wing had carried the doctrine to a bitter extremity, but now they invoked the power of Congress to override State action and right a grievous injustice committed by what they had formerly maintained was a sovereign authority. Yet in the absence of specific legislation it was not plain how Congress could interfere. Until complications arose out of the Civil War and Reconstruction, the count of the electoral votes had proceeded without difficulty. In 1865 the twenty-second joint rule was adopted which put it in the power of either House to refuse to count the electoral vote of any State by its separate action as "no vote objected to shall be counted except by the concurrent votes of the two Houses." Under this rule were counted the votes of 1865, 1869 and 1873. In 1873 the vote of Louisiana was rejected by the concurrent action of both Houses and of Arkansas by the action of the Senate alone.

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[1] Sherman's Recollections, vol. i. p. 561.

It is to be remembered that the Senate was now Republican, the majority being 17 and the House Democratic with a majority of 74. The twenty-second joint rule would operate favourably for the Democrats. The House would reject Florida and Louisiana which would give Tilden a majority and, if the Senate should try its hand at throwing out States on account of intimidation of negro voters, there would be no election and the House would under the constitutional provision proceed to an election, taking the votes by States, and so choosing Tilden. Some Democrats maintained that this rule was still in force but this contention found little favour in the Senate. At the first session of this Congress [in January 1876] the Senate had with practical unanimity rescinded it and now on December 8 by a vote of 50 : 4 they sustained the decision of the President *pro tempore* who decided that the joint rules were no longer in force.[1]

The dispute in Congress, in the press and among the people was fierce. The Democrats kept up a persistent cry of fraud but the Republicans retorted that the fraud was on the other side. By the operation of the Fifteenth Amendment, they asserted, negroes became a part of the representative population, giving the South an increase of 35 electoral votes,[2] and yet the Southern white people had through terror prevented the negroes from voting. No doubt could exist that if they could have voted freely and without fear, as they were entitled to under the Constitution and the laws, South Carolina, Florida, Louisiana, Mississippi and perhaps Alabama would all have given large and undisputed majorities for Hayes. The presence of the United States troops had given him South Carolina and fortunate State laws, courageously administered, had held for him the votes of Florida and Louisiana which were his just due. The Republicans declared emphatically that they proposed to have these votes counted for Hayes. The situation was virtually this: 4,036,000 Hayes voters[1] were arrayed stiffly against 4,300,000 Tilden voters, each party seeming utterly incapable of comprehending the other's position.

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[1] *Cong. Record*, pp. 97–109.

[2] Statement of Sherman, Dec. 14, *Cong. Record*, p. 187. I have not attempted to verify the number.

No prospect was apparent of their reaching any common ground. When the two Houses should assemble in joint meeting for counting the electoral votes, disagreement was certain. The President of the Senate would declare Hayes elected; the House would proceed to elect Tilden. We shall be "brought to the point," said Goode a Democratic representative from Virginia in the House, "where one party or the other must make an ignominious surrender, or we must fight. Are gentlemen prepared for the latter alternative?" A shout of "yes" went up from the Republican side of the House.[2] Henry Watterson announced in the Louisville *Courier Journal* that 100,000 unarmed citizens would march to Washington to maintain the rights of Tilden.[3] One who had been very prominent in the Southern Confederacy told Henry B.

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[1] Some modification of the statement regarding the opinion of a number of Hayes voters will be made later.

[2] Jan. 25, 1877, *Cong. Record*, p. 940; James Monroe, *Atlantic Monthly*, Oct. 1893, p. 524; Life of Morton, Foulke, vol. ii. p. 442.

[3] Life of Nast, Paine, p. 342.

Payne, a representative from the Cleveland district of Ohio, that he hoped the dispute would be peaceably settled but, if it were not, the South would stand behind him and the Democratic party; 145,000 well-disciplined Southern troops were ready to fight on their behalf. A Republican friend came to Payne during a sitting of the House and said to him with tears in his eyes, we shall be cutting one another's throats in this chamber before the 4th of March;[1] and a leading Democrat went across the House to Garfield's seat and made the same dire prediction.[2] Some senators and representatives derided the idea of danger; but any one, who lived through those days in an observing and reflective mood, or any one, who will now make a careful study of the contemporary evidence, cannot avoid the conviction that the country was on the verge of civil war. The number of men out of employment and in want owing to the depression of business, the many social outcasts in the community, whom the railroad riots seven months later disclosed, constituted a formidable army who were ready for any disturbance that might improve their condition or give them an opportunity for plunder. The mass of adherents on each side, which was clearly indicated by the closeness of the vote in many Northern States, shows what a terrible internecine conflict would have followed a bloody affray on the floor of Congress.

Tilden did not rise to the emergency. In quiet times he would have made a good President but he was entirely lacking in both the physical and moral courage needed in a leader during the turbulent times which succeeded election day. He had overworked himself as governor and in February 1875 had suffered a cerebral attack nearly akin to paralysis.[3] During the campaign of 1876 he kept up by adhering to a regimen laid down for him by his physician, but he seemed stunned by the fierceness of the presidential dispute. Unfortunately he had some superserviceable friends who entered into negotiations, looking to the bribery of one or more members of the canvassing boards of South Carolina and Florida to issue the regular certificates to some of the Tilden electors. Money was also called for to carry out the Oregon scheme. Despatches savouring of corruption were sent in cipher to Colonel W. T. Pelton, Tilden's nephew, at 15 Gramercy Park, New York, which was Tilden's home, and used as a residence by Pelton. But Tilden's course in these matters was really above reproach. He countenanced in no way any such negotiations and, when the South Carolina affair was brought to his notice, he promptly crushed the attempts that were being made in that direction. His voluntary testimony before a Congressional Committee on February 8, 1879 may be implicitly believed. "No offer, no negotiation," he swore, "in behalf of any member of the Returning-Board of South Carolina, of the Board of State Canvassers of Florida, or of any other State was ever entertained by me, or by my authority or with my sanction. . . . There never was a moment in which I ever entertained any idea of seeking to obtain those certificates by any venal inducement, any promise of money or of office, to the men who had them to grant or dispose of. My purpose on that subject was perfectly distinct, invariable, and it was generally assumed by all my friends without discussion. It may have sometimes been expressed and, whenever the slightest occasion arose for it to be discussed, it was expressed. It was never deviated from in word or act."[1]

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[1] Private conversation.

[2] Monroe, p. 524.

[3] Life of Tilden, Bigelow, vol. i. p. 285.

But between November 1876 and March 1877 Republicans were ready to believe any evil of Tilden, and, as the air was full of rumours, little doubt existed amongst them that he had tried to tamper with the canvassing boards of South Carolina and Florida and had furnished money for the operations in Oregon. The statement in Wells's letter from New Orleans, to Senator West, "Millions have been sent here and will be used in the interest of Tilden,"[1] also found ready credence.

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[1] Testimony in relation to Cipher Telegraphic Despatches, pp. 272, 274; Life of Tilden, Bigelow, vol. ii. pp. 182, 186.

Tilden had a good case. He had a majority of the popular vote of 264,000 and a chance of winning support from many Hayes voters, either because he had the better cause or because there was greater independence of thought in Republican than in Democratic ranks. The rumours of attempted bribery and corruption injured him with these independent thinkers and the Democratic procedure in Oregon deprived his cause of its moral weight. For it was undoubted that Hayes was entitled to the three votes from Oregon and crooked Republican procedure in Louisiana did not justify crooked Democratic procedure in Oregon. While Tilden's supposed corrupt transactions lost him ground during December with the independent voters in the Republican party, the dignified attitude of Hayes was strengthening the opposite cause. Moreover party considerations were becoming more strictly defined and were bringing most of those who voted for Hayes into the party ranks, a striking example of which was seen in the case of *The Nation* which "lost nearly three thousand subscribers [a good percentage probably of its circulation] for refusing to believe that Mr. Hayes could honorably accept the presidency at the hands of the Louisiana and Florida Returning-Boards."[2]

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[1] Report 100, 44th Cong. 2d Sess., part iii. p. 6.

[2] *The Nation*, June 25, 1885, p. 516; Life of Bowles, Merriam, vol. ii. p. 303. The first expression (I think) in this wise was on Dec. 14, 1876: "We do not ourselves see how Mr. Hayes can, if he be the man he has been represented, take the place under the circumstances, but that is a matter between himself and his own conscience."

Tilden's infirmity of purpose destroyed his party's enthusiasm for their candidate. It is apparent now, and it was apparent then, that two courses lay open to him after a thorough consultation with the leading Democratic senators and representatives and his associate on the ticket, Hendricks. One was to issue a brief positive address to his 4,300,000 voters. Repudiating the Oregon business, he should have planted himself on his rights in Florida and Louisiana and announced that he proposed to maintain them if he could reckon on the support of his party and the Democratic House. The result would have been either yielding by the Republicans or civil war. Blaine told Bigelow a year or two later that if the Democrats had been firm, the Republicans would have backed down,[1] but, on the other hand, it cannot be forgotten that there were three men in control, who were not accustomed to surrender, Grant, Chandler and Morton. President Grant was determined to have no Mexicanization of the American government; he proposed to recognize the *de facto* President, and, with his party affiliation, it was certain that between the man declared to be President by the President of the Senate and the one elected by the House he would sustain Hayes. To be prepared for any emergency, he began concentrating troops in and about Washington.

The other and nobler course for Tilden would have been to co-operate sympathetically with the leading men of his party in the Senate and the House in the endeavour to bring about a fair compromise so that the induction of the new President should be orderly and according to law.[2] He took neither course, for he could bring himself to no decision: the employment of his time indicates how little fitted he was for such a crisis. "Mr. Tilden," wrote Bigelow, "devoted more than a month to the preparation of a complete history of the electoral counts from the foundation of the government to show it to have been the unbroken usage of Congress, not of the President of the Senate, to count the electoral votes."[1] This was a useful compilation; proper work for an annalist or historian; but a claimant for the presidency, who in a crisis wastes his time and exhausts his nervous energy in such labour, seems hardly suited to the leadership of men. In December, Senator Thomas F. Bayard went by request to New York to see Tilden, spent an evening with him and next day together with Lamar four hours more. "Mr. Tilden," so Bayard's apparently inspired biographer wrote, "gave no intimation whatever of his intentions, nor any light upon the grave subjects under consideration. The compilation of congressional precedent, then in course of preparation by Mr. Bigelow, was exhibited and referred to but no plan of action was indicated."[2] Tilden's tortuous procedure was exemplified in his writing that portion of the inaugural address of the newly elected governor of New York [Robinson] which referred to national affairs; it does not appear that the public was then authoritatively informed that these were Tilden's words.[3] The 4,300,000 Democratic voters and the Democrats in Congress desired something direct from Tilden which was unequivocally his, but for this they waited in vain. For any real influence on the course of events after December 1876, Tilden almost entirely disappeared; Hayes, completely. The settlement of the difficulty devolved upon the Democratic and Republican leaders in Congress.

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[1] Life of Tilden, Bigelow, vol. ii. p. 74, note.

[2] I have not considered a third course as I cannot imagine the result. Randall, Ottendorfer, Lamar and Watterson suggested to Tilden [probably before Dec. 6] that he make some kind of a proposition to Hayes. Testimony in relation to cipher telegraphic despatches, p. 273; Life of Tilden, Bigelow, vol. ii. p, 186. *The Nation* referred to this on Dec. 14, p. 350.

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[1] Life of Tilden, vol. ii. p. 60. The book is entitled The Presidential Counts, D. Appleton & Co., 1877. The Boston Athenæum received its copy on Jan. 6, 1877.

[2] Life, by Edward Spencer, p. 261.

[3] Life of Tilden, Bigelow, vol. ii. p. 66. The New York *Times* said that the old governor's hand is to be seen in the new governor's message but *The Nation* did not know whether this was true or not, Jan. 4, 1877, p. 1.

On December 7, in the House, George W. McCrary, a Republican from Iowa, moved for a committee of five on the matter to act in conjunction with a similar committee to be appointed by the Senate. This resolution went to the Committee on the Judiciary, which on December 14 reported favourably on the project, augmenting the number of the Committee to seven. The Senate adopted a similar resolution and the following Committees were appointed: House — Henry B. Payne of Ohio, Eppa Hunton of Virginia, Abram S. Hewitt of New York, William M. Springer of Illinois, Democrats; George W. McCrary of Iowa, George F. Hoar of Massachusetts, and George Willard of Michigan, Republicans. Senate — Edmunds of Vermont, Morton of Indiana, Frelinghuysen of New Jersey, Conkling of New York, Republicans; Thurman of Ohio, Bayard of Delaware, and Ransom of North Carolina, Democrats. Thus it had been arranged that each party should have representation on both the Senate and House Committees, and, as a joint Committee be equally divided politically. Although Payne's first service in the House was during the actual Congress [the Forty-fourth] he was named Chairman of the Committee at the request of Tilden; he was likewise the choice of the Speaker, Samuel J. Randall, who had succeeded Kerr.

Congress sat between Christmas and New Year's day but the House Committee did not begin their meetings until the 3d of January 1877, holding them commonly in the banking and currency committee-room, formerly the Speaker's room where John Quincy Adams saw the "last of earth." For a week no apparent progress was made and, when they met on the evening of January 10 in the private sitting-room of the chairman at the Riggs House, it seemed impossible to escape from the impasse. Payne had previously offered a resolution, limiting the function of the President of the Senate to the opening of the returns and this was now pressed by Hunton. Hoar and his Republican associates begged that the resolution be not insisted upon. "The province of the Committee as I understand it," said Hoar, "is not to say what power the President of the Senate has or has not, but what power Congress has in the premises." "We are unwilling," declared Hoar and McCrary, "to commit ourselves to the principle of the Payne resolution. We can conceive of a condition of things wherein *somebody* might have to take the bull by the horns and count the vote, or the country would be plunged into anarchy and chaos. Suppose that the House should insist that there had been no election and refuse to participate in the count. This might constitute an emergency where the President of the Senate, in the absence of any legislation restricting his duties under the Constitution, might be called upon to act." "In case of such a conflict," demanded Hewitt of Hoar, "between the President of the Senate and the House of Representatives, would you sooner intrust the liberties of the people to a single senator, who happened to be President of the Senate, than to the representatives of the entire American people?"[1] Both sides appeared stiff and unyielding. Whatever plan was proposed by the one would lead to the seating of Tilden, whilst any proposition from the other would lead just as surely to the installation of Hayes. Payne had ordered a collation and, under the genial influence of the food and drink and kindly manner of the host, the members of the Committee began to thaw out and approach the question in a patriotic rather than partisan spirit.

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[1] Article of Milton H. Northrup, Secretary of the House Committee, *Century Magazine*, Oct. 1901, pp. 925, 926. This will be referred to as Northrup.

McCrary proposed a tribunal outside of Congress to be carved out of the United States Supreme Court for the settlement of the disputed presidency. The details of this plan were discussed until a late hour that night and during the meeting of the next day when the agreement was arrived at informally that a Commission consisting of the five senior associate Justices should be constituted to decide on the controverted questions. These Justices were Clifford of Maine, Swayne of Ohio, Davis of Illinois, Miller of Iowa, and Field of California. Clifford was the only one who had been appointed by a Democratic President [by Buchanan] but Field, who was one of Lincoln's appointments, had become a Democrat. Miller and Swayne were pronounced Republicans and Davis [all three were appointed by Lincoln] was considered an Independent.

On January 12, a joint meeting between the House and Senate Committees was arranged in the room of the Senate Committee on the Judiciary, when it appeared that the senators had been working upon somewhat the same lines as the representatives. Edmunds reported their proposition for a tribunal to consist of thirteen, made up of the four senior associate Justices and nine from the two Houses of Congress. The Senate was to name five, the House five and one of the ten was then to be excluded by lot. On Saturday, January 13, the House Committee in joint meeting assented to the principle of the Senate plan but insisted that the lot feature should apply to the judicial, not the congressional members. Before they separated that afternoon a plan was agreed to which had the support of every member of the joint Committee except Representative Springer.[1] This provided for a Commission of fifteen; five from the House, five from the Senate and five from the Supreme Court. The names of the six senior associate Justices [Clifford, Swayne, Davis, Miller, Field and Strong] were to be put into a hat, one was to be withdrawn and the five left were to be members of the commission. It was desirable to make a unanimous report on the following Monday and Conkling earnestly appealed to Springer not to stand in the way of a measure which settled the points of contention but Springer was obdurate and said that he must have until Monday to think it over.

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[1] I cannot believe that Morton assented, although my authorities are silent regarding him. He was ill much of the time and quite likely was not present at this meeting.

Until now the secrets of the committee room had been carefully kept but, between Saturday and Monday, the plan leaked out. The lot feature was seriously objected to by the Democrats who declared that they would not "consent that the great office of President should be raffled off like a Thanksgiving turkey."[1] Those Republicans, who were well characterized by Edmunds as "those fellows who believe it foreordained that Hayes is to be President and think the Constitution as it is sufficient for their purpose"[2] were alike strenuous in their opposition. It is the "Dice-box *vs.* Ballot-box," said the New York *Times*. "A simpler way to settle the matter would be for Mr. Hayes and Mr. Tilden to . . . 'draw cuts' for the presidency."[3]

On Monday, January 15, Payne announced in joint Committee that so much opposition to the lot feature had been developed in the House that he was satisfied that a bill, incorporating such a provision, could not pass that body. "On reflection," he said, "the House Committee has decided not to assent to that proposition. In lieu thereof we again propose the selection of the five senior associate justices outright, [to make up the fifteen] as in the original House bill. The committee earnestly believes that the selection of these five, two being understood to be in sympathy with the Republicans, two with the Democracy and the fifth leaning no more one side than the other would assure the non-partisan character of the commission, and give the odd number without a resort to the 'lot' system, to which there is in many minds a very serious objection."[1] Davis being the fifteenth man the discussion turned on his political preferences. "Judge Davis," said Edmunds, "is one of those Independents who stand always ready to accept Democratic nominations. It is my observation that such men are generally the most extreme in their partisanship. I would rather entrust a decision to an out-and-out Democrat than to a so-called Independent." Springer replied: "Judge Davis is just about as much a Democrat as Horace Greeley was in 1871; he is not and never was a Democrat. His most intimate friends, among whom I may count myself, don't know to-day whether he favored Tilden or Hayes. He didn't vote at all. Our people in Illinois, when he was mentioned for the presidency, were utterly hostile to his nomination because he was not a Democrat, and had no standing in that party. They only know that he is absolutely honest and fair."[2]

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[1] Northrup, p. 927. [2] Ibid., p. 928.

[3] Jan. 13, 17. The second remark as cited was directed at the first lot feature.

On the Sunday [January 14] Hewitt had been in New York in consultation with Tilden, receiving the impression that he was in a general way in favour of some scheme for a commission,[3] and on Monday, at the end probably of the long and indecisive joint conference, he telegraphed to Edward Cooper for the eye of Tilden: "The Senate committee will probably reject five and report six judge plan immediately. Our senators feel committed to concur. House committee will not concur, and for present will probably not report."[1] When he read this despatch Tilden said, "I may lose the presidency but I will not raffle for it" and through Cooper he answered Hewitt, "Procrastinate to give few days for information and consultation. The six-judge proposition inadmissible."[2]

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[1] Northrup, p. 927.

[2] Ibid., pp. 927, 928.

[3] Conversation with H. B. Payne.

In joint meeting of January 16, Payne read a bill agreed upon by a majority of the House Committee: the Commission to be made up of five senators, five representatives and the five senior associate Justices. This after a recess the Senate Committee declined to accept. Conkling had a counter-proposition, either from the whole Committee or a majority of it, according to which the four senior Judges, Clifford, Swayne, Davis and Miller should name the fifth. "Why was Field dropped out and Davis substituted?" asked Payne. "Swayne offsets Clifford; and now we are asked to take Davis against Miller whom we understand to be a very decided partisan. Judge Davis is not a Democrat. You ask us to take a Democrat and one who is not more than half a Democrat against two absolute Republicans. I see no equality in such a proposition."[3] Hewitt asked. Is the Chief Justice, Waite, eligible? Conkling said, "No" and Thurman stated that "the Chief Justice for reasons which he was not at liberty to give, would not consent, under any circumstances, to serve on the commission."[4] Shortly afterwards the House Committee retired to consider the proposition of the senators.

Hewitt thus advised Cooper of the proceedings of the day: "After protracted negotiations Senate [committee] receded from six-judge [scheme], declined five-judge and offered four senior associate justices, who are to choose the fifth judge, excluding chief justice. Our Senate friends earnestly favour acceptance, because they do not believe it possible to pass over ——.[1] The Democrats on House Committee believe this is the last chance of agreement. We cannot postpone beyond eleven to-morrow, and if we decline, Senate Committee will report their original plan, to which our friends are committed. Telegraph your advice." Tilden replied: "Be firm and cool. Four-judge plan will not do. Perhaps worse than six."[2] The rest of this despatch and a longer one sent on the evening of the same day may be interpreted as expressing opposition to any possible commission, although the words are so evasive that a double meaning may be detected; but Tilden's anxious wish for delay is apparent. Hewitt and Payne, who were Tilden's representatives on the committee, were forced to proceed on their own judgment.

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[1] Life of Tilden, Bigelow, vol. ii. p. 78.

[2] Ibid.

[3] Northrup, p. 930.

[4] Ibid.

On January 17, Payne said that the majority of the House Committee could not accept the proposition of the senators, the objection to it being that it classed Davis as a Democrat. Hewitt made a proposition (which it is unnecessary to detail). The Senate Committee retired to consider it; at 2.40 P.M. on the resumption of the joint session they announced their rejection of it and submitted a counter-proposition, on which they were all agreed: Appoint the associate Justices from the first, third, eighth and ninth circuits and let them select a fifth judge. At this juncture occurred an amenity which is agreeable to recall. Edmunds, arguing in favour of this plan, said it would be appreciated by "the great American public" and added, "I don't mean Henry Watterson's one hundred thousand Democratic men who are said to be coming" at which the Democrats interrupted him with, "Oh, they are not coming; we've telegraphed them not to come!"[3] The House Committee then retired to consider the proposition of the senators.

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[1] Obviously Davis. [2] Life of Tilden, Bigelow, vol. ii. p. 79. [3] Northrup, p. 931.

At 4 P.M. Payne announced in joint session that the House Committee unanimously with the exception of Hunton, who desired time for reflection, accepted the Senate Committee's proposition.

In such wise was evolved the famous Electoral Count Act. The report recommending its adoption was finally signed by every member of the House Committee and by all the senators except Morton. Morton was opposed to calling in any outside tribunal to settle the dispute but intimated at one of the committee meetings that he would be willing to leave it to the whole Supreme Court.[1]

The bill provided that "no electoral vote or votes from any State from which but one return has been received shall be rejected except by the affirmative vote of the two Houses." In the cases of States from which there was more than one return [Florida, Louisiana, Oregon and South Carolina] "all such returns and papers" should be "submitted to the judgment and decision as to which is the true and lawful electoral vote of such State" of an Electoral Commission composed of five senators, five representatives and five associate Justices of the United States Supreme Court. Four of these were the Judges now assigned to the first, third, eighth and ninth circuits [Clifford, Miller, Field and Strong] and these four were to select a fifth. The decision of the Commission could be overthrown only by the concurrence of both Houses, acting separately.

There are few sublimer legislative achievements in our history than this Electoral Count bill framed in the midst of intense political excitement, and agreed to by thirteen out of the fourteen members of a bi-partisan Committee. The almost unanimous concurrence rendered certain the approval of Congress and the country. To the two chairmen, Edmunds and Payne, must be given the greatest credit but prominent in sympathetic co-operation were Conkling, Thurman and Bayard, Hewitt, Hoar and McCrary. During the Senate debate Thurman said: "I have one satisfaction that I shall never lose, and that I should with difficulty find words to express, in the fact that in that committee there never was an unkind, or short, or harsh remark or word; but we performed our duty as men anxious to do what the country needed and what the country had a right to expect from us. For what we have done I take my full share of responsibility. Praise it, or blame it, I want no better praise hereafter, no kinder recollection in the minds of my countrymen than that I contributed my humble efforts to bring to a peaceable solution this question which now agitates this country and endangers it."[1] Morton alone was obstructive, partisan, and unpatriotic.

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[1] My main authority is Northrup. An account of the work in Committee was given by S. S. Cox, Three Decades, chap. xxxvi. but his authority was Northrup, who was the clerk of the Banking and Currency Committee of which Cox was chairman. Cox's book was published in 1885. Northrup's article was printed in 1901 and is the fuller and more exact account. Bigelow's Life of Tilden and Manton Marble's Secret Chapter of Political History were helpful in rounding out the story.

On January 20, Edmunds introduced the bill into the Senate and made a careful exposition of it. He thought that the fifteen, having regard to the terms of their oath would not act as partisans but impartially as judges. He touched upon the vital point at issue: "It has been said by some that this commission, if this law passes, having the powers of the two Houses conferred upon them, may go behind the returns, as the common phrase is. Well, if the two Houses now possess the constitutional power to do that thing, they also possessed it on the first Wednesday in December, and we have only changed the method in the first instance of taking that step. If the two Houses, by the Constitution of the United States, on the first Wednesday in December and now, have no constitutional right to overhaul the action of a sovereign State in its selection under the Constitution of its electors, then this commission has no right to do it."[1]

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[1] Jan. 24, *Cong. Record*, p. 892.

Whether or not Congress, and therefore the Commission possess that right the Commission itself must decide. He disposed effectually of the alleged power of the President of the Senate. Quoting the clause of the Constitution, "The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted," he said, "The language does not say that the President of the Senate shall have the power to count even in the arithmetical sense of the term; much less does it say that he shall have the power to decide anything."[2] He had not the slightest doubt of the constitutionality of the proposed act.

Morton opposed the bill. He deemed it a grave objection that the four judges were selected because of their political antecedents. Moreover it is a Democratic measure. "I think," he said, "I do the intelligence of these distinguished Democratic senators but justice when I say that they would not go for this bill except that it gave them a chance for the only thing that can count Mr. Tilden in, and that is, to go behind the returns. Outside of that he has no chance, no possible hope. . . . I know that an alarm has been created by threats upon the part of the Democratic party in various portions of the country. I know that a panic now exists in this country and this body, far greater than that of 1873, and equalled only I believe by that of the battle of Bull Run in 1861. We are asked to do this upon the score of magnanimity. . . . We are asked to sacrifice and surrender advantages which belong to the Republican party as a matter of law, as a matter of right and as a matter of practice, since this government was first founded. . . . Are we to apprehend violence? Are we to apprehend the invasion of this capital? Are we to apprehend that if the President of the Senate shall proceed to count this vote as it always has been done, the House of Representatives will take some revolutionary action by which our institutions perhaps may be overturned, or that we shall have a dual government? I am not afraid of that. I believe that any individual or any party who attempts that will be utterly crushed out; I believe if we go on just as we have gone for more than three-quarters of a century no man, no party, will dare to raise their hand. . . . In the absence of legislation, the President of the Senate must, to use a common phrase, *ex necessitate rei*, count the votes."[1]

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[1] Jan. 24, *Cong. Record*, p. 769.

[2] Ibid.

Sherman also spoke in opposition to the bill, his real reason being of course that he thought if it were enacted it would injure the chances of Hayes. He would prefer the bill to Civil War but he did not believe that the country was confronted with that alternative. He maintained that the bill was unconstitutional and in this Blaine agreed with him, but such an objection from these two senators had little weight as against the careful opinions in favour of its constitutionality, given by such lawyers as Edmunds, Conkling and Thurman. Thurman made a powerful argument showing that the bill did not go outside of the Constitution.[2]

The most notable speech during this great debate was made by Conkling, who spoke for eight hours with a force so attractive and convincing that it must have caused his admirers regret that he did not oftener display his legal ability, intelligence and oratorical power on the floor of the Senate. He began with: "A study of the question years ago convinced me of the right and therefore the duty of the two Houses, to ascertain and verify electoral votes and declare the true result of presidential elections, or else by an exertion of the law-making power to declare how these acts shall be done. My present judgment does not rest however wholly on preconceived opinions. Some weeks ago, when the inquiry came to be invested with unprecedented importance, I reviewed carefully every act and proceeding in our history bearing upon it, and, without the aid then of compilations made since, every utterance in regard to it to be found in books."[1] He effectually shattered the doctrine that the President of the Senate could decide as to the validity of the returns. On the second day of his speech he said: "Senators have asked why I devoted so much pains yesterday to disproving the authority of the President of the Senate, saying that nobody in the Senate contends for such a power, or believes it to exist. The Senator from California [Sargent] is I believe its only known advocate in the Senate; but nevertheless the chief objection to the pending bill prevailing in the press and in the country at large, is the idea that the Constitution clothes the President of the Senate with power to do whatever can be done in deciding on and making effectual electoral votes, and in judging conflicting certificates. If this objection be well founded, the bill has no footing."

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[1] These extracts are from the two different speeches of Morton of Jan. 22 and Jan. 24, *Cong. Record*, pp. 801, 894, 895.

[2] Jan. 24, *Cong. Record*, p. 888.

By a careful historical argument, Conkling showed that it was Congress which had exercised the power of counting electoral votes. To Morton and those of his way of thinking he said: "Let not the representatives of American States, in this century year, connive at bringing about a necessity, they know not what, fraught with consequences they cannot order or foresee. Suppose the Speaker of the House says he is the man of destiny, that necessity has created him to untie this tangled problem. Suppose the House says it from necessity is to be the *Deus ex machina*, suppose any man or any power chooses to deem himself or itself invoked by necessity, where are the limits of such a theory. . . . The pending measure has been called a compromise. If it be a compromise, a compromise of truth, of law, of right, I am against it. My life has taught me not to contrive compromises but to settle issues. Every compromise of principle is a make-shift and a snare. It never stood; it never deserved to stand. It is the coward's expedient to adjourn to another day, a controversy easy to govern in the fountain, but hard to struggle against in the stream. If this bill be such a compromise, I am against it. But I deny that it is a compromise, I deny that it compromises anything; and, above all, that it compromises right, principle, or the Constitution. To contest a claim, is not to compromise it. To insist upon the right, and submit it to an honest, fair scrutiny and determination, is not to compromise it. A presidential election has occurred. Unless there is a tie or a failure, somebody has been chosen. To ascertain and establish the fact, is not a compromise. To reveal and establish the truth of a thing already past and fixed, is as far from a compromise as the east is from the west."

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[1] See Life of Conkling, p. 524.

Conkling concluded his speech thus: "I will vote for the pending bill. . . . Adopted it composes the country in an hour. The mists which have gathered in our land will be quickly dispelled; business will no longer falter before uncertainty or apprehension. If thoughts of anarchy or disorder or a disputed chief magistracy have taken root, the passage of the bill will eradicate them at once. The measure will be a herald of calmness from sea to sea: it will once again proclaim to the world that America is great enough, and wise enough, to do all things decently and in order. It may be denounced by partisans on the one side and on the other; it may be derided by the adventurous and the thoughtless; it may be treated with courageous gayety; it may not be presently approved by all the thoughtful and the patriotic. Still I will vote for it, because I believe it executes the Constitution, and because I believe it for the lasting advantage of all the people and of all the States, including that great State whose interests and whose honor are so dear to me. It may be condemned now, but time, at whose great altar all passion and error and prejudice at last must bow, will test it, and I believe will vindicate it."[1]

On the legislative day of January 24, after an all-night session, the bill passed the Senate by 47 : 17, the ayes being made up of 26 Democrats and 21 Republicans; the noes of 16 Republicans and 1 Democrat. On January 25, the House took up the consideration of the bill and next day passed it by 191 : 86. The ayes were made up of 159 Democrats and 32 Republicans; the noes of 18 Democrats and 68 Republicans.[2] On January 29, Grant signed it, sending to the Senate an approving and patriotic message.

The paramount motive of the members of the Senate and House Committees and of the senators and representatives who voted for the bill was patriotism and the desire to quiet the passions in the country. And, in effect, the gratification of the people was profound and general. In their increased self-respect and pride in their representatives the words of Conkling found response: "No emergency is so great that forty-five million free men cannot meet it calmly and safely under the free institutions they cherish. If 'he who ruleth his own spirit be greater than he who taketh a city'[3] what shall be said of the grandeur of millions who by an act as quiet as the wave of a wand can calm the commotions of a continent in an hour?"[1]

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[1] Jan. 23, 24, *Cong. Record*, pp. 825, 870, 875, 878.

[2] *Tribune* Almanac. The yea vote in the House is sometimes given 158 Democrats, 33 Republicans.

[3] The quotation is not exact. See Proverbs xvi. 32.

While the ruling motive was patriotism, the analysis of the vote by political parties shows that it was more a Democratic than a Republican measure. The Democrats felt so sure of the rightfulness of their cause, especially in Louisiana, that they were ready to submit it to any fair tribunal of arbitration. Another obvious consideration had weight with them. If the dispute came to a dead-lock and an open struggle, the Republicans had a manifest advantage. Ferry[2] would declare Hayes President and Grant with the army would enforce that declaration. If the House attempted to elect Tilden, the Republican members would withdraw and endorse the action of the Senate. The body which should choose Tilden would be a rump, whose decision would have little weight unless it chose to raise the standard of civil war. To any such movement most of the members of the Southern wing of the party were unalterably opposed. We should have no chance against an organized army, they reasoned; the remark of a Virginia representative in a Democratic caucus, "I have been through one civil war and want no more of it," expressed a sentiment that was generally shared.[3]

The Democrats too had felt sure that Davis would be the fifteenth man and they had great confidence in his independent judgment. But the legislature of Illinois was electing a senator and its Democrats and five Independents were eager to beat Logan. After a number of ballots with no apparent prospect of a choice, Judge Davis was proposed, and, as he was restive on the bench and eager for active political life, he consented to the use of his name. On the fortieth ballot, which was taken on January 25, the day on which Payne introduced the Electoral Count bill into the House, enough Democrats united with the Independents to make up the necessary number and Davis was chosen senator.[1] This was a blow to the Democratic party of the country which had counted on Davis. Conkling had told Hewitt that he would certainly be the fifteenth man;[2] and now, although he did not become senator until March 4, and only resigned his judgeship to take effect on that day, it was apparent that his service on the Commission would be of doubtful propriety.

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[1] *Cong. Record*, p. 877.

[2] The President of the Senate.

[3] Conversation with H. B. Payne.

On January 30, the Senate chose as its members of the Electoral Commission, Edmunds of Vermont, Morton of Indiana, Frelinghuysen of New Jersey, [Republicans] Thurman of Ohio and Bayard of Delaware [Democrats]. Conkling's biographer states that it was the intention of the Republican caucus to name Conkling instead of Frelinghuysen, which in view of his prominence in the Senate and the useful part he had borne in the Committee which framed the Electoral Count bill, would have been a natural appointment, but that Conkling declined to serve.[3] If this be correct he shirked a grave duty, but the general opinion at the time was that the Republicans were afraid of Conkling, who was suspected of believing Tilden to be entitled to the presidency; and that he was therefore intentionally ignored in the make-up of the Commission. The House appointed as its members, Henry B. Payne of Ohio, Eppa Hunton of Virginia, Josiah G. Abbott of Massachusetts [Democrats] George F. Hoar of Massachusetts and James A. Garfield of Ohio [Republicans].[4]

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[1] Appletons' Annual Cyclopædia, 1877, p. 383.

[2] Conversation with H. B. Payne.

[3] Life, p. 521.

[4] The Senate, being Republican, could have chosen five Republicans, the House, being Democratic, five Democrats. It was arranged however between the two parties that each house of Congress should have partisan representation on the Commission.

The four Justices selected Bradley as the fifteenth man. When the four first assembled Strong said that Davis would not serve, "I will not believe it," declared Clifford, "unless I should absolutely have it from his lips or over his hand." Later Strong brought a statement in writing from Davis to that effect.[1] The exclusion of Davis was a bitter disappointment to the Democrats but the Southerners endeavoured to make the best of it. Bradley presided over the Southern circuit, was personally popular and had gained favour with the Southern people by his judicial opinion against the constitutionality of the Enforcement Act. Of a nervous and sensitive nature he keenly regretted that the choice had fallen upon him; he was expected to sink all political bias and be an impartial arbiter while his brothers on the bench had been chosen because of their political predilections.[2] But the duty, which the Chief Justice had shirked and which Davis adroitly evaded, he accepted without demur. Thurman, Bayard and Hoar in the sessions of the Joint Committee and in their speeches in support of the Electoral Count bill scouted the idea that the judges would act from partisan motives, but Sherman, who was incapable of the idealistic height of the other three, said in the Senate debate, "These four grave judges must in some quiet game select and name the arbiter in whose hands will rest all the powers of the Senate and the House and of the States and the people in the selection of a President of the United States."[3] This opinion of Sherman was widely current. It required great moral courage therefore for a man to assume so weighty a responsibility; and, at this distance from the passions of the time, we can appreciate the solemn sense of duty which swayed Bradley in taking upon himself such a burden.

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[1] Conversation with H. B. Payne.
[2] Joseph P. Bradley, Miscellaneous Writing, pp. 7, 9.
[3] Jan. 23, *Cong. Record*, p. 820.

On Thursday February 1, at one o'clock, the two Houses came together in Joint Meeting in the Hall of the House of Representatives, as the law provided. The President *pro tempore* of the Senate took the speaker's chair, the Speaker sitting immediately upon his left. The senators had seats at the right of the presiding officer and the representatives occupied the rest of the body of the Hall. The Democrats had recovered somewhat from their disappointment at not having Davis on the Commission and, in common with the Republicans, wore cheerful faces, testifying to the good humour which prevailed on both sides.[1] A small square box containing the certificates of the electoral votes was brought to Ferry,[2] who began the count in the alphabetical order of the States, opening first the certificate from Alabama which he handed to Allison, one of the tellers, to read. The chair asked if there were any objections to the vote and hearing none directed one of the tellers to announce that Alabama had given ten votes for Tilden and Hendricks. The votes of Arkansas, California, Colorado, Connecticut and Delaware were counted in like manner, three of them for Tilden, two for Hayes. When Florida was reached, from which State there were three certificates, objections were made and the case of Florida was sent to the Electoral Commission, the joint session having occupied two hours. The Commission met at three o'clock in the United States Supreme Court room in the Capitol, Clifford the judge longest in office in the chair, the act having designated him as president. The five Judges sat in the centre, wearing their judicial gowns, the senators at their right, the representatives at their left.[3] The arguments were not begun till the following day, February 2.

Certificate No. 1 from Florida was in favour of the four Hayes electors and was signed by the Governor and Secretary of State. Certificate No. 2 certified the choice of the Tilden electors and had the signature of the Attorney-General, the third and Democratic member of the Board of State Canvassers. The electors mentioned in No. 1 had cast their votes for Hayes, those in No. 2 for Tilden on December 6, the day required by law. Certificate No. 3 dated January 26, 1877 was also in favour of the Tilden electors and embraced an attestation of their votes on the lawful day. This certificate was authorized by *quo warranto* proceedings; by a decision of the Circuit and Supreme Courts of Florida that the Hayes electors were usurpers and the Tilden electors duly chosen; by an act of the new legislature; and by a certification under the seal of the State by the new governor [this legislature and this governor were Democratic].

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[1] Monroe, p. 531.

[2] The President of the Senate.

[3] New York *Tribune*, Feb. 2.

February 2 was devoted to the arguments of members of the House who were objectors to the respective certificates and Saturday the 3d and Monday the 5th to arguments of counsel.[1] The paramount question was, Ought the Electoral Commission to go behind the returns? Judge Black maintained that the evidence in regard to Florida, taken by the committees of both Houses, was part of the record and that it would be unjust and wrong to permit counsel to apply to that evidence, "those snapperadoes of *nisi prius* practice which might do if this case, instead of concerning the rights of a whole nation, related to the price of a sheep. . . . There can be no objection to the evidence in a court of equity. . . . For purposes of justice as well as the purposes of convenience it is necessary that you should pursue the course of courts of equity and not come the quarter-sessions rule over us."[1] Evarts argued "that this Commission cannot receive evidence in addition to the certificates, of the nature of that which is offered; that is, evidence that goes behind the State's record of its election, which has been certified by the Governor as resulting in the appointment of these electors."[2] For otherwise, as so many questions were involved, there would be no end to the investigation and inquiry. No determination could possibly be reached by the 4th of March when the new President must be inaugurated.

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[1] The counsel on the Democratic side were: Charles O'Conor of N.Y., Jeremiah S. Black of Penn., Richard T. Merrick of Washington, Ashbel Green of N.J., William C. Whitney of N.Y. On the Republican side, William M. Evarts and E. W. Stoughton of N.Y., Stanley Matthews and Samuel Shellabarger of Ohio.

O'Conor asserted that "there is really nothing in this broadly presented question of overwhelming inconvenience. . . . There is no limit to the power of investigation for the purpose of reaching the ends of justice, except such as a due regard for public convenience and the interests of public justice and society at large may impose in the exercise of this discretionary authority. . . . The Supreme Court, speaking by the voice of Judge Story, pronounced all decisions of every description, however solemn, impeachable for fraud and capable of being reversed. . . . You have a right to go on to investigate this matter and to determine two things: first whether the Hayes electoral vote is valid; and secondly whether the Tilden electoral vote is valid. The final decision at which you may arrive might reject either or might reject both. . . . The Constitution prescribes no forms save such as have been complied with by the Tilden electors; the laws of Congress prescribe no forms that were not complied with by the Tilden electors, save and except only that they could not obtain the Governor's certificate; and it is pretty much conceded, I think, that the Governor's certificate is not absolutely indispensable and might be gainsaid and contradicted even if it had been given. . . . Between these two sets of electors, it appears to me that we present the best legal title. That we have the moral right is the common sentiment of all mankind. It will be the judgment of posterity."[1]

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[1] Electoral Commission, pp. 82, 83.

[2] Ibid., p. 118.

O'Conor's argument was the final one in the Florida case. On Tuesday February 6, the Commission deliberated in secret from 10 A.M. to 7.45 P.M. and next day the discussion was continued until three in the afternoon when the following order was proposed by Miller, "That no evidence will be received or considered by the Commission which was not submitted to the joint convention of the two Houses by the President of the Senate with the different certificates, except such as relates to the eligibility of F. C. Humphreys, one of the electors." This was determined in the affirmative by 8:7, Bradley, Edmunds, Frelinghuysen, Garfield, Hoar, Miller, Morton and Strong voting aye; Abbott, Bayard, Clifford, Field, Hunton, Payne and Thurman no. Abbott moved, "That in the case of Florida the Commission will receive evidence relating to the eligibility of Frederick C. Humphreys, one of the persons named in certificate No. 1, as elector."[2] This was carried by 8:7, Bradley voting with the Democrats.

Thursday February 8 was devoted to the evidence and arguments in regard to the eligibility of Humphreys who had held the office of shipping-commissioner for the port of Pensacola;[3] and on the ninth, the Commission sat in secret session the whole of the day. That the Tilden counsel did not make out their case against Humphreys seems evident from a resolution offered by Thurman that "Humphreys was not a United States shipping-commissioner on the seventh day of November 1876" [the day of the election], but after some debate this resolution, for some reason which does not appear, was withdrawn. Finally on the motion of Garfield it was decided by 8 : 7 that the four electors named in the certificate signed by the Governor were duly appointed and that their votes should be counted for Hayes. All the Republicans including Bradley voted aye, all the Democrats no. The Commission had been in secret session from 10 A.M. to 8 P.M. with two intermissions of an hour and a half; they had adjudged the vote of Florida to Hayes and practically decided the presidency. The ground of their decision was: "That it is not competent under the Constitution and the law, as it existed at the date of the passage of said act, to go into evidence *aliunde* on the papers opened by the President of the Senate in the presence of the two Houses to prove that other persons than those regularly certified to by the governor of the State of Florida, in and according to the determination and declaration of their appointment by the Board of State Canvassers of said State prior to the time required for the performance of their duties, had been appointed electors, or by counter-proof to show that they had not, and that all proceedings of the courts or acts of the Legislature, or of the executive of Florida, subsequent to the casting of the votes of the electors on the prescribed day are inadmissible for any such purpose."[1]

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[1] Electoral Commission, pp. 129, 130, 131, 132, 135. [2] Ibid., pp. 138, 139.

[3] The Constitution provided that "no senator or representative or person holding an office of trust or profit under the United States shall be appointed an elector."

Nothing could be more interesting than the discussions during these long secret sessions of which no stenographic report was made, and no journal printed, except the bare record of the decisions. Payne kept a diary of these proceedings but it was never published and was undoubtedly destroyed by him before his death.[2]

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[1] Electoral Commission, pp. 194–197.

[2] I applied to Mr. Payne directly and indirectly a number of times for the use of this diary when I should come to this period of my history. I always met with a courteous refusal. He told me that he had promised Senator Edmunds never to publish it without the senator's consent. To a common friend he intimated that the diary should die with himself.

The only authentic account of the arguments is in that volume the title of which I have abbreviated to "Electoral Commission."[1] These opinions, many of which were not reduced to writing until some while after having been given during the secret sessions, are of high value in the study of the case.

Thurman said: "Now, upon the county returns it is not denied, and, indeed, appears by evidence already before us, and not controverted, that the Tilden electors received a majority of the votes of the people of Florida; and it also appears that it was only by throwing out the votes of counties or precincts that an apparent majority was shown for the Hayes electors. Had the canvassing board of Florida any authority to throw out these votes? The highest judicial tribunal of that State, interpreting the statute creating that board and defining its powers, has decided that the canvassing board, in throwing out the votes for the Tilden electors and thereby giving an apparent majority to the Hayes electors, acted without jurisdiction, and their act was, therefore, absolutely null and void. . . . It is said that if we go behind the decision of the canvassing board we must go to the bottom, and may thus be led to investigate the doings of hundreds of thousands of election officers in the United States and the qualification of millions of voters. I reply, *non constat.* It is not sound logic to say, that because we cannot investigate everything we shall investigate nothing, that because we cannot correct all errors and frauds we shall correct none. The law never requires impossibilities, but it does require what is possible."[2]

Justice Miller said: "The Legislature of Florida has vested in her board of canvassers the authority to determine who are elected electors. It has conferred no power on any tribunal to revise that decision. The board in this respect represents the State. Its judgment is her judgment and its official certificate is her authorized expression of what she has done in the matter, and it is conclusive. . . . If an elector, or a body of electors, present with the vote which they cast for President and Vice-President the evidence which the State has prescribed of their appointment, the inquiry of the two Houses is answered. They have been legally and officially informed who are entitled to vote as electors for that State. There exists neither in the nature of the duty they are to perform nor in any language of the Constitution the right to inquire into the validity of that appointment, the means by which it was brought about, the fairness of the election by which it was determined, or the misconduct of the tribunal which the State had created to determine the result. Much has been said of the danger of the device of returning boards, and it may be they have exercised their power in a manner not always worthy of commendation. But I take the liberty of saying that such a power lodged in one or in both Houses of Congress would be a far more permanent menace to the liberty of the people, to the legitimate result of the popular vote, than any device for counting these votes which has as yet been adopted by the States.

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[1] Count of Electoral Votes. Proceedings of Congress and Electoral Commission, 1877, p. 817. The same material is printed in *Cong. Record*, vol. v. part iv. 44th Cong. 2d Sess., "Electoral Commission."

[2] Electoral Commission, pp. 834, 835.

"Neither at the time of the adoption of the Constitution, nor at any time since, would the people of the States have placed in the hands of Congress the power to constitute itself a returning board as to the votes for presidential electors, and then upon the vote cast by those whom *they* declare to be electors, decide who is to be President and Vice-President of the United States; but that is precisely the power claimed for the two Houses of Congress and for this Commission representing them."[1]

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[1] Electoral Commission, pp. 1013, 1014.

When the Commission went into the first secret session the vote of every member could be divined except that of the fifteenth man. Anxiety as to Bradley's position reached the highest possible pitch until he gave his opinion. He has himself told how hard he strove to fill his position of arbiter. "The question was one of grave importance," he wrote, "and to me of much difficulty and embarrassment. I earnestly endeavored to come to a right decision, free from all political or other extraneous considerations. In my private examination of the principal question (about going behind the returns) I wrote and re-wrote the arguments and considerations on both sides as they occurred to me, sometimes being inclined to one view of the subject, and sometimes to the other. But finally I threw aside these lucubrations and . . . wrote out the short opinion which I read in the Florida case during the sitting of the Commission. This opinion expresses the honest conclusion to which I had arrived, and which, after a full consideration of the whole matter, seemed to me the only satisfactory solution of the question." [1]

"The practice of the government," said Bradley in secret session, "as well as the true construction of the Constitution, has settled that the powers of the President of the Senate are merely ministerial, conferred upon him as a matter of convenience. . . . If any examination at all is to be gone into, or any judgment is to be exercised in relation to the votes received, it must be performed and exercised by the two Houses. Then arises the question, how far can the two Houses go in questioning the votes received, without trenching upon the power reserved to the States themselves? The extreme reticence of the Constitution on the subject leaves wide room for inference. Each State has a just right to have the entire and exclusive control of its own vote for the Chief Magistrate and head of the republic, without any interference on the part of any other State, acting either separately or in Congress with others. If there is any State right of which it is and should be more jealous than of any other it is this. And such seems to have been the spirit manifested by the framers of the Constitution. . . . It seems to me to be clear, therefore, that Congress cannot institute a scrutiny into the appointment of electors by a State. It would be taking it out of the hands of the State, to which it properly belongs. This never could have been contemplated by the people of the States when they agreed to the Constitution. It would be going one step further back than that instrument allows. While the two Houses of Congress are authorized to canvass the electoral votes, no authority is given to them to canvass the election of the electors themselves. To revise the canvass of that election, as made by the State authorities, on the suggestion of fraud, or for any other cause, would be tantamount to a recanvass. . . . It seems to me that the two Houses of Congress, in proceeding with the count, are bound to recognize the determination of the State board of canvassers as the act of the State, and as the most authentic evidence of the appointment made by the State; and that while they may go behind the Governor's certificate, if necessary, they can only do so for the purpose of ascertaining whether he has truly certified the results to which the board arrived. They cannot sit as a court of appeals on the action of that board."[1]

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[1] Letter to the Newark *Daily Advertiser*, Sept. 2, 1877. Joseph P. Bradley, Miscellaneous Writings, p. 221.

On February 10, the two Houses met to hear the report of the Electoral Commission, after which the

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[1] Electoral Commission, pp. 1020, 1021, 1023.

Senate retired to its chamber and ratified the decision of the Commission in regard to Florida. On Monday February 12, the House voted the reverse. The Joint Meeting was resumed and Ferry, the Presiding Officer, stated that the two Houses not concurring in ordering otherwise, the decision of the Commission would stand unreversed and in accordance therewith the Count would proceed. He directed the tellers to announce the vote; and Senator Allison declared that the four votes of Florida were given to Hayes and Wheeler. The Count proceeded without interruption until Louisiana was reached and, as more than one certificate had been received from that State, her case in due form was sent to the Electoral Commission. The case was argued at length on both sides[1] but the decision was foreshadowed by that in regard to Florida. For while morally the Democratic case was stronger in Louisiana than in Florida it seemed no better from a technically legal point of view. On Friday February 16, the Commission came to a vote. Before the main question was put Abbott offered a number of substitutes, Hunton, Bayard and Field each another, possibly in the hope of gaining Bradley's adhesion to some one of the differing propositions, the adoption of any of which would have admitted evidence, resulting probably in the adjudgment of Louisiana's vote to Tilden. It was in vain: they were all voted down by 8:7, Bradley siding with his brother Republicans. Hoar's motion (the main question) "That the evidence offered be not received" was determined in the affirmative by 8:7. Thurman's proposition to throw out the votes of Louisiana was similarly rejected; and by the now familiar vote of 8 Republicans to 7 Democrats, the eight electoral votes of Louisiana were adjudged to Hayes.[1]

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[1] The counsel on the Tilden side were John A. Campbell of Louisiana, Lyman Trumbull of Illinois, Matt. H. Carpenter of Wisconsin, Richard T. Merrick of Washington, George Hoadley of Ohio, Ashbel Green of New Jersey. The Hayes counsel were the same as in the Florida case, Evarts, Stoughton, Matthews and Shellabarger.

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[1] Electoral Commission, pp. 416–421. The "brief grounds of the decision" were: "the Commission has by a majority of votes decided, and does hereby decide, that it is not competent under the Constitution and the law as it existed at the date of the passage of said act to go into evidence *aliunde* the papers opened by the President of the Senate in the presence of the two Houses to prove that other persons than those regularly certified to by the governor of the State of Louisiana, on and according to the determination and declaration of their appointment by the returning officers for elections in the said State prior to the time required for the performance of their duties, had been appointed electors, or by counter-proof to show that they had not; or that the determination of the said returning officers was not in accordance with the truth and the fact the Commission by a majority of votes being of opinion that it is not within the jurisdiction of the two Houses of Congress assembled to count the votes for President and Vice-President to enter upon a trial of such question.

The Commission by a majority of votes is also of opinion that it is not competent to prove that any of said persons so appointed electors as aforesaid held an office of trust or profit under the United States at the time when they were appointed, or that they were ineligible under the laws of the State or any other matter offered to be proved *aliunde* the said certificates and papers.

The Commission is also of opinion by a majority of votes that the returning officers of election who canvassed the votes at the election for electors in Louisiana were a legally constituted body, by virtue of a constitutional law, and that a vacancy in said body did not vitiate its proceedings."

Bradley said in secret session: "If it be true, as alleged, that members of only one political party remained on it, it may have been an impropriety in proceeding without filling the vacancy, and the motives of the members may have been bad motives, corrupt, fraudulent, what not; but with improprieties and with the motives of the members we have nothing to do. We are not the judges of their motives. The question with which we have to do is a question of power, of legal authority in four members to act. And of this I have no doubt. . . . I cannot bring my mind to believe that fraud and misconduct on the part of the State authorities, constituted for the very purpose of declaring the final will of the State, is a subject over which the two Houses of Congress have jurisdiction to institute an examination. The question is not whether frauds ought to be tolerated, or whether they ought not to be circumvented; but whether the Houses of Congress, in exercising their power of counting the electoral votes, are intrusted by the Constitution with the authority to investigate them. If in any case it should clearly and manifestly appear, in an unmistakable manner, that a direct fraud had been committed by a returning board in returning the electors they did, and if it did not require an investigation on the part of the two Houses to ascertain by the taking of evidence the truth of the case, I have no doubt that the Houses might rightfully reject the vote—as not being the vote of the State. But where no such manifest fraud appears, and fraud is only charged, how are the

Similar procedure to that of Florida followed in regard to Louisiana. The Senate voted to sustain the decision of the Electoral Commission, the House the contrary. It is an indication how much stronger in the forum of public opinion Tilden's case was in Louisiana than in Florida that Conkling, who had voted with his political brethren in the first, was now absent when the Louisiana vote was taken and that Henry L. Pierce and Professor Seelye, Republican representatives from Massachusetts, protested against counting the electoral votes of Louisiana for Hayes, although they had sustained the decision of the Commission in regard to Florida. The Count proceeded. Frivolous objections were made by the Democrats to votes from Michigan and Nevada which were overruled and in due course Oregon was reached; her case was sent to the Commission and argued.[1] On February 23, at the home of Thurman, who was too ill to go to the Capitol, the fifteen voted unanimously that Cronin's vote should not be counted for Tilden and by 8 : 7 that the vote of Watts should be counted for Hayes, thus giving Oregon's three votes to Hayes.[2] Objected to by the House

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two Houses to enter upon a career of investigation? If the field of inquiry were once opened where is its boundary? Evidently no such proceeding was in the mind of the framers of the Constitution. The short and explicit directions there given, that the votes should be first produced before the Houses when met for that purpose, and that 'the votes shall then be counted,' is at variance with any such idea. . . . The jurisdiction of the whole matter belongs exclusively to the States. Let them take care to protect themselves from the perpetration of frauds. They need no guardians. They are able, and better able than Congress, to create every kind of political machinery which human prudence can contrive, for circumventing fraud, and preserving their true voice and vote in the presidential election.

"In my judgment, the evidence proposed cannot be received." Electoral Commission, pp. 422, 1029, 1031, 1032.

[1] The Tilden counsel were, Merrick, Hoadley, Green and A. P. Morse. The Hayes counsel, the same as in Florida and Louisiana, Evarts, Stoughton, Matthews, Shellabarger.

[2] Bradley showed the consistency of the action of the Commission in the cases of Florida and Louisiana on one side and in that of Oregon on the other. Electoral Commission, p. 1037.

but ratified by the Senate the decision of the Commission was sustained. The Count went on. Objections without weight were made by the Democrats to votes from Pennsylvania and Rhode Island which were overruled. South Carolina was reached and sent to the Commission, which, on February 27, decided unanimously that the Tilden electors were not the lawful ones and by 8 : 7 that the seven votes of South Carolina should be counted for Hayes. The two Houses of Congress not concurring to overthrow this decision, it stood, and the votes in accordance therewith were declared. Tennessee and Texas were then counted for Tilden.

The Democrats were grievously disappointed at the decision of the Commission in the case of Florida and, after Louisiana had been counted for Hayes, they were sore and angry. They felt that they were being cheated out of the fairly won presidency; but the Democratic senators and two-thirds of the Democratic members of the House made it evident that they would abide loyally by the award. Of potent influence among these were the Southern representatives. After the Florida decision, Benjamin H. Hill, convinced that the Republicans would win, consulted with a number of ex-Confederates, all members of the House, with the result that forty-two of them "solemnly pledged themselves to each other upon their sacred honor to oppose all attempts to frustrate the counting of the votes for President" as they "did not propose to permit a second civil war if their votes could prevent it."[1] There were however about sixty recalcitrant representatives, mostly from the North and West, who, with no well-defined programme and with little reason, attempted to delay the proceedings; and had an irresolute speaker held the gavel, they might have caused trouble. But Samuel J. Randall was a man of force, and having at his back two-thirds of the Democratic representatives and the moral influence of the Democratic senators, determined that there should be no serious obstruction to the operation of the law and the progress of the Count. On February 24, he made a ruling embodying this determination, and he held the House well in hand until March 1, when it assembled to consider the objection to the vote of one elector from Vermont. The House met at ten in the morning and dilatory motions almost immediately began. Much excited talk and some turbulence ensued but, under the skilful and resolute guidance of the Speaker, the two hours' debate under the law was had, when the sixty filibusters renewed their attempts, an Ohio member declaring, "When fraud is law filibustering is patriotism." At last however the vote on Vermont was taken. At 10.35 P.M. the Senate entered the Representatives Hall, Ferry took the chair and the five votes of Vermont were counted for Hayes. Virginia and West Virginia were then counted for Tilden, when Wisconsin, the last State on the list, was reached. Objection was made to the eligibility of one elector and at 11.25 P.M. the Senate retired to its chamber. There were more attempts at filibustering and considerable excitement in the House before and after the two hours' debate, but the representatives came to a vote so that the Joint Meeting could be resumed. This was at five minutes before four in the morning. Wisconsin was counted for Hayes when Ferry said: "This concludes the count of the thirty-eight States of the Union. The tellers will now ascertain and deliver the result to the President of the Senate." Allison (one of the tellers) stated the result in detail. Ferry then said: "In announcing the final result of the electoral vote the Chair trusts that all present, whether on the floor or in the galleries, will refrain from all demonstrations whatever; that nothing shall transpire on this occasion to mar the dignity and moderation which have characterized these proceedings in the main, so reputable to the American people and worthy of the respect of the world." He announced the vote as 185 for Hayes and 184 for Tilden and declared Hayes elected President for four years commencing on the 4th of March 1877.[1] He continued, "The count of the electoral vote being completed, and the result declared, the joint meeting of the two Houses is dissolved." The Senate left the Representatives Hall at ten minutes past four on Friday morning, March 2, 1877.[2]

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[1] Hill's statement, New York *Times*, June 10, 1878. See also Hill's remarks in House Democratic caucus Feb. 12, Life, p. 75.

The 4th of March falling on Sunday Hayes took the oath of office from Chief Justice Waite on that day[3] and on the following Monday was formally inaugurated.[4]

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[1] A similar announcement and declaration was made in regard to Wheeler.

[2] *Cong. Record*, p. 2068.

[3] The New York *Tribune* and Boston *Advertiser* say that Hayes took the oath on Saturday evening, March 3, at the White House. Waite administered it and Grant and Fish were witnesses.

[4] My authorities for this account of the disputed presidency are documents of 44th Cong. 2d Sess., Nos. 2, 34, 42. Reports Nos. 100, 143, 156, 561, 598, 678. Report No. 457, 42d Cong. 3d Sess.; Report No. 261, 43d Cong. 2d Sess.; House Mis. Doc., 45th Cong. 3d Sess. Testimony relating to Florida, Louisiana and the Cipher Telegrams; Life of Tilden, Bigelow, vol. ii.; John Sherman's Recollections, vol. i.; A Grave Crisis in American History, Milton H. Northrup, *Century* Magazine, Oct. 1901; S. S. Cox, Three Decades of Federal Legislation; Manton Marble, Secret Chapter of Political History; *Cong. Record;* Count of Electoral Votes, Proceedings of Congress and Electoral Commission, 1877, referred to as Electoral Commission; Conversation with H. B. Payne and Charles Foster, soon after Hayes's inauguration; with H. B. Payne, April 20, 1889, Jan. 3, 1894; *The Nation*, 1876, 1877; New York *Times*, *Herald*, *World*, *Tribune*, Chicago *Tribune;* Appletons' Annual Cyclopædia, 1876, 1877; Life of Bowles, Merriam, vol. ii.; Autobiography of G. F. Hoar, vol. i.; J. S. Black, Essays and Speeches, The Great Fraud, p. 312; Letter to Stoughton, p. 340; E. W. Stoughton, "The Electoral Conspiracy Bubble Exploded," *North American Review*, Sept.–Oct. 1877; Josiah G. Abbott, Draft of the Address prepared for the Minority of the Electoral Commission; James Monroe, The Hayes-Tilden Electoral Commission, *Atlantic Monthly*, Oct. 1893; Stanwood, History of the Presidency; Blaine, vol. ii.; Life of Morton, Foulke, vol. ii.; Life of Bayard, Spencer; Life of B. H. Hill, Hill; Life of Lamar, Mayes; Bradley, Miscellaneous Writings; Life of Conkling, Conkling; Gibson, A Political Crime; John Bigelow, The Supreme Court and the Electoral Commission, pamphlet; Life of Nast, Paine; Poore, Reminiscences, vol. ii.; Julian's Later Speeches; McCulloch, Men and Measures; Recollections of George W. Childs; Garfield's Works, vol. ii.; Allen's Chamberlain.

"We had a first-rate case, but we lost it by imperfect pleadings," said Alexander H. Stephens.[1] The implication that the management of the Republican case was better than that of the Democratic is undoubtedly justified if the two be regarded in their entirety. Evarts had charge of Hayes's cause and showed himself both diligent and adroit. He was always present at the sessions of the Commission, presumably listening intently, ready to see any weak point in an adversary's plea. He made arguments in the cases of Florida, Louisiana and Oregon and there is a symmetry and consistency in his pleas for which we look in vain on the Democratic side. With a good deal of force he charged his opponents with changing their legal position in the different cases,[2] but Evarts himself, with an eye always to the fifteenth man, laid down principles which hang together. While he was in the case from the beginning to the end, O'Conor argued Florida and then vanished. Black was in the Florida case and did not again appear until he attempted to browbeat the Court when South Carolina was being considered, indulging also in an impassioned appeal to the Democratic voters of the country. Trumbull, Carpenter and Campbell argued the Tilden case in Louisiana and then disappeared,[3] but the inexorable logic of Evarts ran through Florida, Louisiana and Oregon; he relied on close legal arguments whilst his Democratic opponents frequently spoke as from the stump.

This consideration however loses much of its weight when it is remembered that Tilden lost the presidency by the decision in the Florida case, which was as well argued on the Democratic as on the Republican side. A contemporary opinion, before the decision was rendered, is of value as tending to confirm the impression which one now derives from a careful reading of the two great pleas. "To-day," wrote on February 5 the Washington correspondent of *The Nation*, "O'Conor and Evarts finished the argument on the question of jurisdiction and evidence, in speeches which will be long remembered by all who heard them. . . . When O'Conor rose to reply there was, I think, a general feeling among the lawyers who were present that the case on the Republican side had been, all things considered, well put, and that what was now needed was not new argument so much as a careful weighing of the arguments as they actually stood to determine which side had the best of it. O'Conor not only undertook to do this, but to do it in a way which could leave no vestige of doubt in anybody's mind as to the probable decision of the case. It was a classical argument, one that would bear comparison with any that we are accustomed to refer to as models, and one that, at any rate for the moment, carried conviction with it. The positions of the Republican lawyers were first carefully stated, and then confuted; their arguments put into the simplest and most vigorous English; and instead of time being wasted on every detail of the case, only those positions which were real strategic points were attacked. . . . His whole argument was a masterpiece. Of what the decision will be it is, of course, impossible to form any opinion, but it is equally impossible to dispute the fact that on the opening argument of the last few days the Democrats have had altogether the best of it."[1]

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[1] Johnston and Browne, p. 537.

[2] Electoral Commission, p. 610.

[3] Merrick it is true argued Florida and Oregon and filed a brief in Louisiana.

Of all those connected with the great lawsuit Bradley occupied the most responsible and unenviable position; and owing to the "deep-seated feeling of injury" and "keen sense of wrong"[2] on the part of the Democrats has not escaped calumny. One charge was that "after preparing a written opinion in favor of the

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[1] Feb. 8, p. 84.

[2] Hewitt.

Tilden electors in the Florida case" he changed his views "during the night preceding the vote in consequence of pressure brought to bear upon him by Republican politicians and Pacific Railroad men, whose carriages it was said surrounded his house during the evening." "The whole thing is a falsehood," wrote Bradley on September 2, 1877. "Not a single visitor called at my house that evening."[1] Another story was that when Bradley was wavering, Miller with partisan argument and overbearing disposition brought him to his [Miller's] own view by urging that he was the trustee for four million Republican voters and must prove worthy of the trust. "During the whole sitting of the Commission," wrote Bradley, "I had no private discussion whatever on the subjects at issue with any person interested on the Republican side, and but very few words with any person. Indeed, I sedulously sought to avoid all discussion outside the Commission itself. The allegation that I read an opinion to Judges Clifford and Field is entirely untrue. I read no opinion to either of them, and have no recollection of expressing any. If I did, it could only have been suggestively, or in an hypothetical manner, and not intended as a committal of my final judgment or action."[2] Beyond question, every word which Bradley has written concerning this matter may be implicitly believed.

If the Electoral Commission had decided to go behind the returns, the votes of Florida or Louisiana or of both would inevitably have been either counted for Tilden or altogether rejected: any one of these results would have made Tilden President. That such a decision would have better satisfied the country both at the time and afterwards is beyond doubt. The argument of "overwhelming inconvenience" so potently urged by the

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[1] J. P. Bradley, Miscellaneous Writings, p. 220.

[2] Sept. 2, 1877, J. P. Bradley, Miscellaneous Writings, p. 221.

Republican lawyers may be at once dismissed. Though the law's delay is a familiar fact in American life, it is none the less true that lawyers and judges can make haste if the demand is imperative; and ways might have been found to admit sufficient evidence for an award to have been arrived at before the 4th of March.

The decision of the Commission was peculiarly aggravating to the Democrats. The Board of State Canvassers of Florida and the Returning-Board of Louisiana could go behind the returns to correct fraud, irregularities and intimidation of negroes, but when such action had served to establish the competency of the Hayes electors, the principle, on which it was based, was repudiated and the contradictory principle laid down: that returns regular in form must be counted. The unreasonableness of altering the doctrine to suit the differing cases stood out, as it was found that the argument of intimidation of negro voters had been worn threadbare and could not prevail in the popular mind against the patent fact of throwing out thousands of Democratic votes in Louisiana.

But, though in the case under consideration, greater justice would have been done by correcting the fraud in Louisiana, the decision of the Electoral Commission was better law than the opinion of the seven; and, at any period of our history, except that of the carpet-bag-negro régime from 1867 to 1877, the application of the principle, on which it was based, would have given practical justice. The decision was more in accordance with both the letter and the spirit of the Constitution and with common sense American ideas. On the principles which actuated it the Count was conducted from 1789 to 1865 and has been since 1877, and, in accordance with them, the Electoral Count Act of February 3, 1887 was framed.

It will be seen that I cannot join in the Democratic outcry against the singular partisanship of the 8. To me the partisanship of the 7 is equally obvious. The

Democrats had the chance of making out their Republican brethren thoroughgoing partisans in comparison with themselves, by voting with them to give Oregon and South Carolina to Hayes, as they had voted on the collateral questions in these two cases. In the Electoral Commission it was partisan bias that determined in each case (with the possible exception of Bradley's) the direction of legal thought and the unvarying alignment of votes. This is the reason why the 8 : 7 has become a formula of derision to the losers of the great lawsuit, and not merely because of the majority of one: for, by this slender majority, have been made many of the most important decisions of the United States Supreme Court when political partisanship has exercised little or no influence. Such a division imports a close question, as assuredly was, even in law, the disputed presidency.

The suggestion that Hayes should have refused the presidency in March 1877 seems to me idle. I believe that he ought to have stopped the action in his favour of the Louisiana Returning-Board, but after swallowing this much, he stood as the avowed representative of his party; and the party having joined with their opponents in submitting the dispute to a fair arbitration and having finally won their cause, he had no choice but to take the place. Though his moral title to the presidency was always questioned, his legal title was perfect.

The seriousness of this crisis of three long months can hardly be over-estimated; and that the issue failed to satisfy the rigorous demands of justice is a consideration whose great weight becomes little when opposed to the true significance of the actual achievement. When no settlement seemed possible, a settlement was nevertheless effected; and effected peaceably and according to due process of law under conditions, which, in nearly every other country, must inevitably have led to civil war. A careful legislative act devised by seven Democrats and six Republicans and adopted by Congress instituted a great lawsuit that was tried under the forms of law in the United States Supreme Court room by fifteen jurists. The decision, though deemed a gross injustice by more than half of the country, was submitted to without a suggestion of forcible resistance worth considering. The Democratic party in Congress and out of it and especially its Southern wing and Randall, the Speaker of the House, won for themselves the respect and admiration of the country and of the world.

I have already given an account of the restoration of home rule to all the late Confederate States except Florida, South Carolina and Louisiana. On a mandamus issuing from the Supreme Court of Florida, Stearns, Republican, who was counted in as Governor by the Board of State Canvassers, was ousted and Drew, Democrat, was admitted ; and the legislature organized with a Democratic majority. On January 2, 1877, Drew was inaugurated : this may be fixed as the date on which intelligence and property regained control in Florida.

When Hayes was inaugurated as President, he found two State governments in South Carolina, each claiming rightful authority, one under Chamberlain as Governor, the other under Wade Hampton. On the face of the election returns the Hayes electors had a majority ; but, to secure a majority for Chamberlain, the Republican Board of State Canvassers were forced to throw out the votes of Edgefield and Laurens counties. To settle the dispute on the principles on which Hayes was inducted into office presented, in view of the undisputed facts, no serious difficulty.

In his letter of acceptance and inaugural address, Hayes had spoken of Southern affairs in a liberal tone ; but the inevitable generalities of such manifestos did not indicate what his action would be when confronted at the outset of his administration with this problem which admitted of no delay in its solution. The question was, Would he withdraw the United States troops from South Carolina and Louisiana, without which the negro-carpet-bag governments could not be sustained? Before the Count of the electoral votes was completed, Stanley Matthews and Charles Foster of Ohio, personal as well as political friends of Hayes, put into writing the essence of a conversation with Senator John B. Gordon of Georgia and Representative J. Young Brown of Kentucky, which was properly interpreted as an assurance that Hayes would not continue the policy of military intervention in the South.[1] This was without the assent of Hayes but it was a statement of what his action was certain to be. Indeed it was the final admission of the Republican party that their policy of forcing negro suffrage upon the South was a failure. Grant, himself, would have taken action appropriate to this change of policy, had he continued in the White House.[2] As Judge Black said on February 27 in his plea in the case of South Carolina: The Republicans "offer us everything now. They denounce negro supremacy and carpet-bag thieves. Their pet policy for the South is to be abandoned."[3]

It is frequently asserted that without this tacit bargain between the friends of Hayes and the representatives of the South the electoral Count would not have been peaceably concluded. I do not so read the story of the time. After Louisiana was counted for Hayes on February 20, the Count was sure to proceed to the end. Democratic recalcitrants might have absented themselves from the final Joint Meeting but the Senate and a quorum of the House would certainly have attended the declaration that Hayes was elected President.

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[1] The date of this letter was Feb. 27. House Mis. Doc., 45th Cong. 2d Sess., No. 31, part ii. p. 624; Appletons' Annual Cyclopædia, 1877, p. 459.

[2] See letter of his Secretary to Packard March 1, and letter of Burke *et al.* to Nicholls, Appletons' Annual Cyclopædia, 1877, p. 457.

[3] Electoral Commission, p. 698.

This explanation was necessary before continuing the story of South Carolina. On March 23, Hayes summoned Chamberlain and Hampton to Washington; and their arrival was followed by full and frank conferences, the result of which was that the President, with the unanimous approval of his cabinet,[1] determined to withdraw the United States troops from the State House at Columbia. This was done on April 10 and, on that day, Chamberlain withdrew from office and turned over the records and papers of the executive office to Wade Hampton.[2] "Good government," wrote Chamberlain in 1901, "was fully secured. Economy succeeded extravagance; judicial integrity and ability succeeded profligacy and ignorance on the bench; all the conditions of public welfare were restored."[3]

In Louisiana there were also two contesting State governments, the Republican under Packard, Governor, the Democratic under Nicholls, and the decision between the two, which the President was virtually called upon to make, presented a grave difficulty. The same Returning-Board which had returned the Hayes electors had declared the election of Packard and the Republican legislature. "President Hayes would impeach his own title were he to refuse Governor Packard recognition" telegraphed United States Marshal Pitkin to Packard from Washington.[1] It was evident that this charge would continually be flung in his face by the Democrats and by those who afterwards called themselves stalwart Republicans. Hayes showed great moral courage in meeting the issue. Acting slowly and cautiously[2] with

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[1] Hayes had a strong cabinet: Evarts of New York, Secretary of State, Sherman of Ohio, Secretary of the Treasury, George W. McCrary of Iowa, Secretary of War, Richard W. Thompson of Indiana, Secretary of the Navy, Carl Schurz of Missouri, Secretary of the Interior, D. M. Key of Tennessee, Postmaster-General, Charles Devens of Massachusetts, Attorney-General.

[2] Governor Chamberlain's Administration in S.C., Allen; Appletons' Annual Cyclopædia, 1876, 1877.

[3] *Atlantic Monthly*, April 1901. Chamberlain also wrote: "If there is any interest still attaching to the writer's own view, he is quite ready now to say that he feels sure there was no permanent possibility of securing good government in South Carolina through Republican influences. If the canvass of 1876 had resulted in the success of the Republican party, that party could not, for want of materials, even when aided by the Democratic minority, have given pure or competent administration. The vast preponderance of ignorance and incapacity in that party, aside from downright dishonesty, made it impossible. . . . The real truth is, hard as it may be to accept it, that the elements put in combination by the reconstruction scheme of Stevens and Morton [*sic*, should be Sumner] were irretrievably bad, and could never have resulted, except temporarily or in desperate moments, in government fit to be endured."

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[1] March 2. Appletons' Annual Cyclopædia, 1877, p. 457.

[2] Dr. William G. Eliot a Unitarian minister wrote to President Hayes on March 26 as follows: "I have been in New Orleans the past week. . . . I am quite well acquainted there, and mix freely with all classes. If you attach sufficient importance to it to inquire who I am, you can do so from Hon. Carl Schurz or General Sherman. The result in my mind is that whatever abstract justice may demand under a strict construction of the Fifteenth Amendment, the recognition of Packard involves the *present and continued* maintenance of his authority by the United States military strength. Upon this point there is no division of opinion. . . . The population of the city and State is almost unanimous in refusal to submit to the Packard control, except at the point of the bayonet. Under Packard the government at Washington would be the government of Louisiana, except that the details would be administered by incompetent, timid and half-educated men. I was yesterday in the legislature, both House and Senate, of the Republican party, and also in the Governor's parlor; and although I am and always have been a Republican, and in every way on the freedom side, I must frankly confess that I should not be willing to trust my interests to the influences and men which there control. A *large* majority of the legislature is composed of colored people, who are certainly not above the average of respectable negroes in our cities, and the white members, if I may judge by appearance and manners are a very second-rate sort of men. Any one individual of decided ability and good knowledge of parliamentary rule, could easily control the whole assembly in either House. I cannot wonder at the unwillingness of property holders and educated people to be under the control of such bodies of men, even if lawfully elected; but add to this the universal conviction here that most of them were not so elected, and the obstinacy of resistance is only what might reasonably be expected. If the troops are withdrawn without distinct recognition of either party, the Packard government will be compelled quickly to give way. . . .

"Under Democratic rule it is not probable that the spirit of the Fifteenth Amendment will be kept, and scarcely the letter of it, for some years to come. Things will settle down to about the same level as in Mississippi and Alabama; and where the blacks are in the majority, or approximating it, they the aid of an able and fair-minded Commission which he sent to New Orleans, he finally gave an order on April 20 for the withdrawal of the troops from the immediate vicinity of the State House. This was done on April 24 and the Nicholls government, which represented the intelligence and property of the State, took possession of the State House and thenceforward controlled State affairs.[1]

Considering that Hayes did so much good during his first seven weeks in office, it is with deep regret that I mention the greatest blot on his administration. All the members and clerks of the Louisiana Returning-Board or some of their relations received lucrative offices, [mostly if not entirely in the city of New Orleans itself] mainly from the United States Treasury Department at the head of which was John Sherman.[2]

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will be "discouraged" from voting, with whatever degree of moral or physical force may be requisite to secure the end. They will be entirely free to vote the Democratic ticket, and beyond that will have freedom with penalty. But gradually that will improve, as the colored people advance in thrift and intelligence, as new social and political issues arise, and as the educational interests of the South are better regarded. In the last element the only sure hope for the future is found, and if an educational test or qualification for voting could be secured by an Amendment to the Constitution, we might reasonably look for enduring peace. Such results will be slow and not quite satisfactory, but in no other direction is the outlook equally good. I was in New Orleans, in charge of a congregation, part of the two winters immediately succeeding the war, and am sorry to say that nothing has been gained since that time. Both the color line and the party line are more marked, political and social animosity is increased." — Life of W. G. Eliot by Charlotte C. Eliot, p. 286 *et seq.*

[1] Appletons' Annual Cyclopædia, 1876, 1877; *The Nation.*

[2] In H. R. 45th Cong. 3d Sess., No. 140, p. 48 [Potter report] is a list of those connected with the Louisiana count "subsequently appointed to or retained in office."

Those connected with the Returning-Board are: J. M. Wells, Surveyor; N. O.; T. C. Anderson, Deputy-Collector; N. O.; S. M. Kenner, Deputy Naval Officer; N. O.; G. Casanave's brother, U. S. storekeeper; N. O.; C. A. Vernon (secretary), Inspector, custom house; N. O.; C. S. Abell (secretary), Inspector, custom house; N. O.; Y. A. Woodward, clerk, custom house; N. O.; W. H. Green, clerk, custom house; N. O.; P. P. Blanchard, clerk, custom house; N. O.; G. R. Davis, clerk, custom house; N. O.;

The Hayes-Tilden campaign of 1876 was the last in which the Southern question was paramount, the last to be fought out on the issue of the "bloody shirt." Since then, South Carolina, Florida and Louisiana have always given their electoral votes to the Democratic candidates for the presidency.[1] With their resumption of home rule, the first step in the process by which intelligence and property gained the control of affairs in all of the Southern States that had joined the Confederacy, my history fitly ends. It has covered twenty-seven years of pregnant events: the compromise on slavery devised by great statesmen; its upsetting by an ambitious Northern senator; the formation of the Republican party; the agitation of slavery; Southern arrogance and aggression; the election of Lincoln; the refusal of the South to abide by the decision of the ballot-box; the Civil War; the great work of Lincoln; the abolition of slavery; the defeat of the South; Reconstruction based upon universal negro suffrage; the oppression of the South by the North; the final triumph of Southern intelligence and character over the ignorance and corruption that so long had thriven under Northern misconceptions. The discussion of the main theme, signally typified in the beginning by Webster's Seventh-of-March speech and in the end by Hayes's order to remove the

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Charles Hill, clerk, custom house; N. O.; George Grindley, clerk, custom house; N. O.; John Ray (counsel), Special agent, Treasury Department; A. C. Wells (son of J. M.), Deputy Surveyor; N. O.; T. A. Woolfley (affidavit taker), U.S. Commissioner; R. M. J. Kenner (brother), clerk, naval office. Wells was appointed by Grant in 1875; when his term expired Hayes appointed his son A. C. Wells to the position [1880], and the Senate rejected him. Executive Journal, vol. xxii. pp. 220, 296.

The official registers of Sept. 30, 1875, Sept. 30, 1877, June 30, 1879, agree in the main with the list in the Potter report. Four of the men held office before the electoral count; all of them but one was appointed to his position before Sept. 30, 1877. Only one held a presidential appointment. All were in the New Orleans Custom House but two. Data communicated to me by D. M. Matteson. See Life of Tilden, Bigelow, vol. ii. p. 54.

[1] Written in 1906.

troops from the State Houses of South Carolina and Louisiana, has been diversified by a consideration of collateral topics. My subject has been varied and important, my materials superabundant and, while conscious of my limitations, I have endeavoured throughout this history of the great conflict, to which I have devoted nineteen years of my life, to maintain such standards of research and of judgment as should elicit the utmost of truth.

What a change between 1850 and 1877! A political and social revolution had been accomplished; and the minds of men were attuned to the mighty change. The United States of 1877 was a better country than the United States of 1850. For slavery was abolished, the doctrine of secession was dead, and Lincoln's character and fame had become a possession of the nation. From 1877 on, is seen a growing marvel in national history: the reunion of hearts which gives to patriotism the same meaning at the South as at the North. Freedom and reunion were glorious achievements but in human affairs blessings do not come unmixed. Other legacies of the War and Reconstruction were an increase of governmental corruption and a more pronounced tendency towards bad administration. But there was clamour where there was an abuse; and the American people remained sound at the core.

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